Vol. II
12th April, 1955 (Tuesday)

LOK SABHA DEBATES

(Part I—Questions and Answers)

(Vol. II contains Nos. 21—40)

LOK SABHA SECRETARIAT
NEW DELHI

FOUR ANNAS (INLAND)

ONE SHILLING (FOREIGN)

LOK SABHA

Tuesday, 12th April, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair.*]

ORAL ANSWERS TO QUESTIONS

INDIAN VETERINARY COUNCIL

*2160. **Shri S. N. Das:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Interim Indian Veterinary Council, its Executive Committee and the National Veterinary Committee have started functioning; and

(b) whether any recommendations have been made so far by the Council?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The Council has only recently been constituted and its first meeting is proposed to be held on the 30th April, 1955. The formation of its executive, *i.e.* the National Veterinary Committee, will be discussed at that meeting.

(b) No.

Shri S. N. Das: May I know whether Government have under consideration certain subjects to be referred to this Council; if so, what are they?

Dr. P. S. Deshmukh: We have already framed a scheme and the functions have also been given out in the Resolution of the Government of India published on the 29th of October 1954, which states the need for setting up a Central organisation with legislative backing for controlling and regulating veterinary work and the conduct of members of veterinary profession.

Shri S. N. Das: May I know when the measure giving legislative support to this Council will be brought before the House?

Dr. P. S. Deshmukh: We are first of all trying to find out from the States their opinion because they also will have to pass legislation to that effect. All these things will be thrashed out in the proposed meeting on the 30th of April.

Shri Heda: Is one of the subjects for consideration the suggestion to combine the first two years' courses in the veterinary and agricultural colleges?

Dr. P. S. Deshmukh: I am afraid that does not arise; this is a different subject.

आउट एजेंसियां

*२१६१. **श्री भक्त दर्शन :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार का विचार अनेक नई आऊट एजेंसियां खोलने का है, और

(ख) यदि हां तो वे किन किन स्थानों पर खोली जायेंगी ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) कई जगहों में नयी आउट-एजेंसियां खोलने के प्रश्न पर विचार किया जा रहा है।

(ख) जिन जगहों में नयी आउट-एजेंसियां खोलने के प्रश्न पर विचार किया जा रहा है, उनका विवरण सभा-पटल (Table

of the House) पर रख दिया गया है। [तीसरे परिशिष्ट १०, अनुबन्ध संख्या २४]।

श्री भक्त दर्शन: क्या यह सच है कि यह जो १० आउट एजेंसियां खुलने वाली हैं और जिन पर आजकल विचार किया जा रहा है उनमें से बहुत ज्यादा के बारे में कई वर्ष पहले स्वीकृति दी जा चुकी थी लेकिन वे अभी तक नहीं खुल पाई हैं। क्या मंत्री महोदय इस का कोई कारण बता सकते हैं कि वह क्यों अब तक नहीं खुली हैं ?

श्री शाहनवाज खां : कोई भी आउट एजेंसी खोलने से पहले रेलवे अपनी शर्तें पेश करती हैं जिन को कि मंजूर करना जरूरी होता है। बहुत सी जगहों में जब हम आउट एजेंसियां खोलना चाहते हैं और उन के बारे में जो शर्तें लगाई जाती हैं उन को मानने में दूसरी पार्टी की तरफ से कुछ देर हो जाती है और इसी के कारण हमारे रास्ते में दिक्कतें आती हैं।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि किन सिद्धांतों के आधार पर इन स्थानों का निर्वाचन किया जाता है और क्या यह सत्य है कि बहुत सी जगहों के लोग आवेदन पत्र देते देते थक जाते हैं ?

श्री शाहनवाज खां : जैसे कि आनरेबल मेम्बर वाकिफयत रखते हैं रेलवे एक कमर्शल कंसर्न है और कोई भी आउट एजेंसी खोलते वक्त जिस चीज का हम ज्यादा खयाल रखते हैं वह यह है कि उस आउट एजेंसी के खुलने से रेलवे को माली नफा क्या होगा।

श्री भागवत झा आजाद : अभी अभी पार्लिमेंटरी सेक्रेट्री साहब ने बताया कि कुछ शर्तें लगाई जाती हैं और नफे का भी ध्यान रखा जाता है। क्या मैं जान सकता हूं कि युद्ध से पहले दुमका हैडक्वार्टर्स में आउट एजेंसी खोलने की योजना को क्यों स्वीकृति नहीं दी गई जब कि वह तमाम शर्तें मानती थी और वहां पर नफा होने की भी आशा थी ?

श्री शाहनवाज खां : उसके लिए भी कोई खास वजह होगी। अगर आनरेबल मेम्बर साहब इसके बारे में नोटिस दें तो उन को जरूर जवाब दिया जा सकता है।

Shri B. S. Murthy: May I know whether the new agencies which will be opened will be manned by the railway officials?

श्री शाहनवाज खां : इन को या तो कांट्रेक्टर्स के जरिये चलाया जाता है और या स्टेट गवर्नमेंट्स के जरिये।

Mr. Speaker: He said they will be run on the lines of commercial business.

The Deputy Minister of Railways and Transport (Shri Alagesan): They will be manned by contractors.

New Railway Lines

*2162. **Shri Dabhi:** Will the Minister of **Railways** be pleased to state:

(a) when the programme for the construction of new Railway lines during the Second Five Year Plan is expected to be finalised; and

(a) the progress made so far in this regard?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Recommendations for the construction of new railway lines during the Second Five Year Plan period are still awaited from certain State Governments. Recommendations already received are being scrutinized and a decision in the matter is expected to be taken sometime during the current financial year.

Shri Dabhi: May I know whether it is a fact that the Western Railways have decided to convert the Baroda-Bhaili-Bhadran-Dholka metre gauge line into broad gauge and the Bhadran-Sogithra narrow gauge line into metre gauge from the funds earmarked by the Baroda Government and handed over to the Government?

Shri Alagesan: These are matters of detail. Perhaps the line mentioned by the hon. Member is under consideration. But it is too early to say whether we will take up the construction of those lines.

Shri Dabhi: May I know whether it is a fact that the Bombay Government have recommended to the Ministry of Railways the construction of the Kapadvary-Talod metre gauge line?

Mr. Speaker: I am afraid it is no use going into these details.

Shri Dabhi: This is a recommendation made.

Mr. Speaker: Then it is a matter of record. The hon. Member has perhaps got some records of the recommendation made by the Government of Bombay. It is no use putting questions like that. Only general questions may be asked.

Shri Dabhi: May I know whether it is a fact that Government would be guided by the recommendations of the State Governments in this matter?

Shri Alagesan: We ourselves invite the State Governments to offer their opinions in the matter and certainly we will give every consideration to the recommendations of the State Governments.

DIRECTORY OF HOMOEOPATHIC PRACTITIONERS

*2163. **Shri S. C. Samanta:** Will the Minister of **Health** be pleased to state whether Government propose to publish a Directory of Homoeopathic practitioners and Homoeopathic information in the near future.

The Deputy Minister of Health (Shrimati Chandrasekhar): There is no such proposal.

Shri S. C. Samanta: May I know whether any State Government or any State Homoeopathic Faculty have moved in the matter?

Shrimati Chandrasekhar: I have no information.

Shri S. C. Samanta: May I know whether the Homoeopathic Association of Madras are collecting figures? If so, will Government look into it?

Shrimati Chandrasekhar: I have no information about that particular association. There are certain States like Bombay, Bihar, Uttar Pradesh, Madhya Pradesh, Hyderabad and Travancore-Cochin where preparation of State registers of Homoeopathic practitioners is going on and is completed.

SURVEY OF RAILWAY LINES IN NEPAL

*2165. **Shri Bibhuti Mishra:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that two officers of the Railway Board went to Nepal recently to survey the Narrow-Gauge railway lines there for its conversion to metre gauge; and

(b) if so, whether the work of conversion will be carried out under the supervision of Indian Officers?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes, Sir

(b) It is for the Government of Nepal to decide.

श्री विभूति मिश्र : क्या सरकार ने जो सर्वे किया है उस में यह बताया है कि कितने दिनों में यह लाइन बदल दी जाएगी ?

श्री शाहनवाज खां : बदलने का तो कोई सवाल पैदा नहीं होता है। उन्होंने हमारे अफसरों को वहां आने की दावत दी थी और जो अफसर वहां गए उन्होंने यह सिफारिश की है कि इस नैरो गेज लाइन को नैरो गेज ही रखा जाए और मीटर गेज में बदलने की जरूरत नहीं है । लेकिन जो ट्रैक बिगड़ चुका है उसको तबदील करने की, उसको रिहैबिलिटेट करने की जरूरत है ।

श्री विभूति मिश्र : क्या सरकार को यह पता है कि जो सामान यहां से रक्सौल जाता है और वहां से नेपाल जाता है उन सामानों को उतारने और चढ़ाने में बहुत घाटा पड़ता है और इस घाटे को ध्यान में रखते हुए क्या सरकार इस पर ध्यान देगी कि नैरो गेज को मीटर गेज में बदल दिया जाये ?

श्री शाहनवाज खां : नेपाल एक आजाद मुल्क है और उसके अन्दर जो लाइनें हैं उन के बारे में हमारी सरकार राय ही दे सकती है और हम कोई चीज उन पर ठोंस नहीं सकते ।

श्री विभूति मिश्र : क्या नेपाल सरकार ने कहा था कि नैरो गेज को मीटर गेज में बदल दिया जाए लेकिन आप के अफसरों ने राय दी कि नैरो गेज ही रहने दिया जाए। क्या नेपाल सरकार की इस बात को और अपनी सहूलियत को ध्यान में रखते हुए सरकार इस पर फिर विचार करेगी और राय देगी ?

श्री शाहनवाज खां : राय देने का सवाल नहीं है यह तो पैसे का सवाल है ।

Shri Bhagwat Jha Azad: May I know whether, as a result of the report of the two officers, the Government of Nepal have asked for any help from the Railway Ministry for repairing those lines?

The Minister of Railways and Transport (Shri L. B. Shastri): They have asked for no such help.

COAL MINES LABOUR WELFARE FUND

*2166. **Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to state:

(a) the programme of the Coal Mines Labour Welfare Fund for the construction of quarters and hospitals for the Coal Mine workers for the year 1954-55; and

(b) the progress made so far in these respects?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). A statement is placed on the Table of the Sabha. [*See* Appendix X, annexure No. 25].

श्री डी० सी० शर्मा : क्या माननीय मंत्री यह बताने की कृपा करेंगे कि इन कॉलरीज में कितने सेंट्रल हस्पताल चल रहे थे और कितने और अस्पताल चलाने की योजना आपके विचाराधीन हैं ?

श्री आबिद अली : इस की तफसील तो उस रिपोर्ट में जो कि लाइब्रेरी में पेश की गई है उस में दी गई है। इस वक्त एक सेंट्रल अस्पताल धनबाद में है और एक असंसोल में खोला गया है। और अस्पताल खोलने की योजना भी है ।

श्री डी० सी० शर्मा : क्या माननीय मंत्री जी यह बतलाने की कृपा करेंगे कि यह जो चार जगह अस्पताल खोले जा रहे हैं यह वहां के मजदूरों के लिए पर्याप्त हैं, या और अस्पताल खोलने के बारे में भी कोई योजना उन के पास है ?

श्री आबिद अली : जी हां, और अस्पताल तो बनाने ही हैं। इतने काफी नहीं हैं। बहुत से और अस्पताल बनाये जायेंगे ।

श्री डी० सी० शर्मा : नम्बर बतलाइये न ?

[कोई उत्तर नहीं दिया गया]

Shri Ramachandra Reddi: May I know the total amount standing to the credit of this fund now?

Shri Abid Ali: It is about Rs. 3 crores.

Dr. Rama Rao: Sanction has been given for the construction of 773 houses, according to the statement. In the majority of the houses work has not been commenced. May I know the reasons?

Shri Abid Ali: These quarters are to be constructed by the management. We loan the amount. When they comply with the requirements of the agreement, advances are given. They have to construct the houses not our department.

श्री डी० सी० शर्मा : क्या माननीय मंत्री जी बतलायेंगे कि हमको कोयले की खानों के मजदूरों के लिए कितने मकानों की जरूरत हैं, कितने मकान बन चुके हैं और कितने मकानों के बनाने की योजना हैं ?

श्रम मंत्री (श्री खंडूभाई देसाई): बात यह हैं कि कोयला के मजदूरों के मकानों के बारे में शुरू में जो योजना बनायी गयी थी वह जितनी हम समझते थे उतनी सफल नहीं हुई. और माइन ओनर्स को जितने मकान बनाने चाहिए थे उतने उन्होंने नहीं बनाये। तो अभी मिनिस्ट्री इस बारे में सोच रही हैं कि मकानों के बारे में प्रगति होने के लिए कोई नई योजना बननी चाहिए या नहीं। यह बात हमारे कंसीडरेशन में आज हैं। मेरा ख्याल हैं कि करीब करीब एक लाख मकान कोयला के मजदूरों के रहने के लिए बनने चाहिए। लेकिन एक साल में तो यह सब नहीं बन सकते हैं। उसके लिए एक नई योजना के बारे में हम सोच रहे हैं। मुझे उम्मीद हैं कि चन्द वर्षों में कोयला के मजदूरों के लिए जो मकान बनने वाले हैं उनके लिए कोशिश होगी।

Mr. Speaker: Next question.

Dr. Rama Rao: I have authority.

Mr. Speaker: Then, it will come at the end.

Indian Shipping

*2168. **Shri Jhulan Sinha:** Will the Minister of **Transport** be pleased to state:

(a) whether there are any difficulties in entrusting the transport of the Government owned and Government controlled cargoes exclusively to Indian shipping; and

(b) if so, the details thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Government are giving every assistance to enable the Indian ships to secure as large a share of Government-owned/controlled cargoes as possible. But it is not feasible to restrict the transport of such cargoes to Indian ships alone, because, apart from other reasons, Indian ships in sufficient numbers are not always available at the different overseas ports from which Government cargoes are shipped.

Shri Jhulan Sinha: May I know the present position as to what percentage of the Indian cargo is being carried in Indian ships and whether there is any plan according to which this is to be increased?

Shri Alagesan: We are in entire sympathy with the object of the question. We are taking steps in consultation with the ship owners themselves to see that they get as large a share of the Indian Government owned cargoes as possible. Of late, there has been a good percentage of our cargoes being brought by Indian ships. I may inform the House that yesterday I was in Bombay and the new ship that has been bought by the India Steamship Co. arrived from the German yard,—it was delivered in record time—and it brought many of our locomotives

Shri Bhagwat Jha Azad: May I know what is the approximate percentage of the Government owned and Government controlled cargo that is being handled by foreign ships?

Shri Alagesan: The actual percentage I am not able to say. As I said, our shipping tonnage is very much less when the requirements are considered. We are taking steps to augment the tonnage. In the meanwhile, we have to bring cargoes in other ships also.

Telephone Connections

*2169. **Chaudhri Muhammed Shaffee:** Will the Minister of **Communications** be pleased to state:

(a) the number of applications for telephone connections pending consideration in India at present;

(b) how many new connections have been granted during the year 1954; and

(c) the number of new connections that Government will be able to provide during this year?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) About 14,100.

(b) 13,2[illegible]

(c) About 20,000.

श्री भक्त दर्शन : क्या यह सत्य है कि इन टेलीफोन कनेक्शनों को देने में जो देरी होती है उसका कारण स्टोर्स की कमी है, और क्या यह भी सत्य है कि इतना होते हुए भी विदेशों को यह सामान भेजने का प्रयत्न किया जा रहा है ?

श्री राज बहादुर : यह जो देरी होती है वह कभी कभी स्टोर्स की कमी की वजह से भी होती है। इसके अतिरिक्त इसका एक कारण यह भी है कि टेलीफोन एक्सचेंज के पास पर्याप्त नम्बर नहीं होते। लेकिन जिन टेलीफोन्स और स्टोर्स को बाहर भेजने का प्रयत्न किया जा रहा है वे वही हैं जो कि हमारी जरूरत से ज्यादा हैं।

PURCHASE OF ROLLING STOCK

*2171. **Shri Raghunath Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that some foreign countries have made enquiries for the purchase of railway coaches from India; and

(b) if so, the names of those countries?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No, Sir.

(b) Does not arise.

TRICHUR-GURUVAYYUR RAIL LINK

*2174. **Shri C. R. Iyyunni:** Will the Minister of **Railways** be pleased to state:

(a) whether any representation has been received for the construction of a railway line from Trichur to Guruvayyur *via* Kunnamakulam;

(b) whether any enquiry and survey was conducted regarding this some time ago; and

(c) whether Government propose to take up this line for construction?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) No, Sir.

(c) It is too early to say.

Shri C. R. Iyyunni: May I know whether any estimate has been prepared?

Shri Shahnawaz Khan: It is, as I said, yet too early to say anything. No estimates have been prepared.

Shri C. R. Iyyunni: Does the Ministry know that there is a big temple at Guruvayyur to which, year after year, so many pilgrims go?

Shri Shahnawaz Khan: Yes, Sir. The Ministry is very much aware of it.

हावड़ा-नागपुर एक्सप्रेस गाड़ी

*२१८०. **श्री बी० एन० मिश्र :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार हावड़ा और नागपुर के बीच में जनता एक्सप्रेस गाड़ी चलायेगी ;

(ख) यदि हां, तो कब ; और

(ग) वह कितनी बार आया जाया करेगी ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) अभी नहीं।

(ख) और (ग). प्रश्न नहीं उठता।

श्री बी० एन० मिश्र : क्या मैं माननीय मंत्री महोदय का ध्यान सन् १९५२ में उन्होंने जो आश्वासन दिया था उसकी तरफ दिला सकता हूं ? उस समय उन्होंने कहा था कि जिस वक्त हमको लोकोमोटिव्स की सहूलियत हो जायगी उस वक्त हम शुरू कर देंगे। तो क्या मैं पूछ सकता हूं कि क्या अभी लोकोमोटिव्स की पोजीशन में पर्याप्त सुधार हुआ है या नहीं ?

श्री शाहनवाज खां: अभी तक हमें इस सिलसिले में कुछ दिक्कत महसूस हो रही है। अभी तक सिचुएशन इस हद तक आसान नहीं हुई है।

श्री बी० एन० मिश्र : क्या मैं पूछ सकता हूं कि यह दिक्कत माननीय मंत्री महोदय को कितने साल तक रहेगी ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री): जहां तक लोकोमोटिव्स वगैरह की स्थिति में सुधार का सवाल है, उसमें काफी तरक्की हुई है। लेकिन यह लाइन अब गुड्स ट्रैफिक के लिए बहुत जरूरी हो रही है। क्योंकि इस लाइन पर कई स्टील प्लांट बनने वाले हैं इसलिए हमको उनके लिए सामान ले जाना है, और उसको हमें सबसे पहले जगह देनी पड़ रही है। इसलिए अगर उस लाइन पर पैसिंजर ट्रेन्स चलायेंगे तो सामान ले जाना बन्द हो जायगा। इसलिए इस वक्त हम पैसिंजर ट्रेन्स नहीं चलायेंगे।

पंडित डी० एन० तिवारी : क्या यह बात सही है कि और लाइनों पर जनता एक्सप्रेस बहुत कम स्टेशनों पर ठहरती है, लेकिन एन० ई० रेलवे में जनता एक्सप्रेस एक्सप्रेस न होकर पैसिंजर ट्रेन हो जाती है ?

श्री एल० बी० शास्त्री : अगर माननीय सदस्य की राय ली जाय तो हर एक ट्रेन एक्सप्रेस होनी चाहिए और अगर छोटे छोटे स्टेशनों के मुसाफिरों की राय ली जाय तो वह कहेंगे कि सब ट्रेन्स पैसिंजर ही रहनी चाहिए।

श्री बी० एन० मिश्र : जैसा कि अभी माननीय मंत्री महोदय ने बताया, इस लाइन पर स्टील प्लांट बन रहे हैं और इसलिए उसका इम्पार्टेंस बढ़ रहा है। तो क्या मैं पूछ सकता हूं कि माननीय मंत्री महोदय को वहां के लिए किसी एक्सप्रेस ट्रेन ले जाने की जरूरत महसूस होती है क्योंकि वहां कोई एक्सप्रेस ट्रेन नहीं है ?

श्री एल० बी० शास्त्री : इस पर हम विचार करेंगे।

Food Bonus Procurement Fund

*2181. **Shri K. C. Sodhia:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total amount available in the Food Bonus Procurement Fund for distribution to the various States; and

(b) when and how this fund was created and for what specific purpose the States are entitled to draw from it?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) No Food Bonus Procurement Fund has been created as such. The bonus claims submitted by State Governments are met from budget provision made for the purpose. A token provision of Rs. 1,000 only has been made in the budget estimates for 1955-56 as formal claims from some of the State Governments are awaited and actual amount is not yet known. The total amount still to be paid is estimated at Rs. 6 lakhs.

(b) The scheme for procurement bonus was introduced from 1st January, 1948 and continued upto 31st

December, 1951. The object of the scheme was to encourage internal production and procurement so as to maximise the assistance from surplus to deficit States. The bonus earned by the State Governments was intended to be utilised on schemes connected with increased food production and procurement in the States.

Shri K. C. Sodhia: Am I to understand that this Fund has been wound up after 1951?

Shri M. V. Krishnappa: We discontinued the principle of paying bonus to the State Governments.

Shri K. C. Sodhia: Have not all State Governments sent up their bills up till now?

Shri M. V. Krishnappa: Some of the State Governments have not sent them yet, because it requires a lot of auditing by their Accountant-General and all that. So we expect only about Rs. 6 lakhs to be paid to some of the State Governments like Uttar Pradesh and Saurashtra whose cases are pending.

BHAGALPUR-MANDER HILL RAIL LINK

*2182. **Shri Bhagwat Jha Azad:** Will the Minister of **Railways** be pleased to state whether Government propose to extend the Bhagalpur-Mander Hill line to Deoghar *via* Dumka?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): No, Sir.

Shri Bhagwat Jha Azad: May I know whether Government have examined the financial possibility of such extension of the Mander Hill line to Deoghar *via* Dumka?

Shri Shahnawaz Khan: We have asked for the suggestions of the State Governments regarding the lines which they consider essential and should be opened during the next Five Year Plan. The Government of Bihar have not included this line in their suggestions.

Shri Bhagwat Jha Azad: In the absence of any such proposal for extension, and in view of the fact that there are no railway lines in the district of Santal Parganas, and also in the light of the kind and favourable assurance given by the hon. Minister, may I know whether there is any proposal for new lines in the district of Santal Parganas?

Shri Alagesan: The Government of Bihar have sent up a proposal to connect Pirpainti with Deoghar *via* Dumka. That is one of the proposals sent by the Government of Bihar, and this will be examined along with the other proposals sent by the State Governments.

Shri Bhagwat Jha Azad: In view of the fact that there is no proposal for the extension of this line, do Government consider it desirable from the point of view of financial possibilities to have some more halts in the existing line near Mander Hill and other places, where the receipts will be much larger?

Shri Alagesan: The hon. Member's suggestion will be considered.

TOURIST CENTRES

*2183. **Shri N. Rachiah:** Will the Minister of **Transport** be pleased to state:

(a) the total number of tourist centres in the country;

(b) the total number of officers appointed in these centres; and

(c) the total recurring and non-recurring expenditure incurred so far on these centres?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Presumably the hon. Member is referring to the Government of India Tourist Information Offices function-

ing in India. There are thirteen such offices.

(b) Gazetted: 15
Non-Gazetted: 88

(c) Rs. 10,34,328 from 1950-51 to 1954-55.

Shri N. Rachiah: May I know the names of the places where these centres have been opened in the country?

Shri Alagesan: Recently? We have opened offices in Simla, Darjeeling, Ootacamund and Jaipur. We also propose to open another in Bhubaneshwar.

Shri N. Rachiah: May I know the basis on which the recruitment of these officers has been made?

Shri Alagesan: By the U.P.S.C.

Shri N. Rachiah: May I know how many officers have been appointed from Mysore State?

Shri Alagesan: I do not have that information.

श्री हेम राज : क्या मैं जान सकता हूं कि प्राइवेट टूरिस्ट एजेंसीज़ को भी रेक्गनाइज़ किया जाता है, और अगर किया जाता है तो उसके मुताल्लिक क्या स्कीम है ?

Shri Alagesan: Yes, there are certain private tourist associations functioning in various places like Simla etc. The Government concerned keeps in touch with them, and we are also keeping in touch with them and trying to see whether they can help us in the promotion of the tourist industry.

Shri Hem Raj: May I know at what stage that scheme is?

Shri N. M. Lingam: May I know whether Government have sanctioned recently schemes for the intensive development of certain tourist centres, and if so, what are the criteria for the selection of these centres? May I also know whether Ootacamund, an important station, was not included among these centres for intensive development?

Shri Alagesan: Ootacamund is a very important hill station, and people say that it is the queen of hill stations though the other stations may also make that claim. The hon. Member comes from Ootacamund. We have opened an office there, and it is functioning. And no scheme for promotion of tourism can afford to leave out Ootacamund.

Inland Water Transport

***2184. Shri Sanganna:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that a pilot demonstration Project, designed to test the feasibility of using shallow draft tugs for towing barges and boats on shallow waters, as recommended by the E.C.A.F.E. has been carried out in the Mahanadi canals in Orissa; and

(b) if so, with what results?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

Shri Sanganna: May I know whether there is any such proposal in the future?

Shri Alagesan: There is no such proposal before us, but a technical mission investigated this question some time back, and they have made some suggestions. After the Hirakud scheme comes into fruition, there may be more water in these canals, and they may be useful for inland navigation. But we have no scheme before us just now.

Shri Syamnandan Sahaya: Is this proposal recommended by the E.C.A.F.E. being considered for any other place in this country if not on the Mahanadi canals?

Shri Alagesan: It is on the Ganga and the Gogra. A pilot project survey was carried out, and we are now at

the point of making shallow draft tugs, so that we can put that into execution as an experiment.

Shri Syamnandan Sahaya: At what point is this pilot project....

Mr. Speaker: Next question.

INDO-U.S. OPERATIONAL AGREEMENTS

*2186. **Dr. Rama Rao:** Will the Minister of **Health** be pleased to state:

(a) the terms of the two "operational agreements" signed by U.S.A and India on the 25th March, 1955 for (i) Sanitation and Water Supply and (ii) anti-filarial schemes; and

(b) the agency which supervises these schemes on behalf of the Government of U.S.A.?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) The terms are contained in the two operational agreements—copies of which have been supplied to the Library of Parliament.

(b) There is no provision in the agreements for such supervision.

Dr. Rama Rao: May I know whether we have to obtain the sanction of the United States authorities for every scheme we undertake under this agreement?

The Minister of Health (Rajkumari Amrit Kaur): Certainly not.

Dr. Rama Rao. May I know what are the anti-filarial schemes that will come under this?

Shrimati Chandrasekhar: There is a separate agreement for that.

Dr. Rama Rao: May I know the States and the areas in which the anti-filarial work will be undertaken under this scheme?

Shrimati Chandrasekhar: There are about 12 States where the scheme is to be worked out.

Shri Bhagwat Jha Azad: Are we to understand that under this agreement even the experts on sanitation and the implements are also being imported from outside?

Shrimati Chandrasekhar: No.

Rajkumari Amrit Kaur: Only equipment is coming from abroad. If necessary, we may ask for an expert. But at the moment, we have not done so.

POST OFFICE SAVINGS BANK FRAUD CASE, JAIPUR

*2187. **Shrimati Renu Chakravartty:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a Post Office Savings Bank fraud case involving several lakhs of rupees was recently detected in Jaipur;

(b) whether any enquiry has been instituted in this case; and

(c) if so, the result thereof?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The reply is in the affirmative.

(b) Yes.

(c) The matter is still under enquiry.

Shrimati Renu Chakravartty: May I know whether any action has been taken by Government against the three divisional superintendents in whose tenure this happened?

Shri Raj Bahadur The matter has been handed over to the police who have made detailed investigations in this matter; and we cannot anticipate their findings or the results of their investigation.

Shrimati Renu Chakravartty: May I know whether in view of the fact that a large sum of money was in-

volved, and that this took place during a long period of time, the divisional superintendents have been suspended pending the enquiry of the case?

Shri Raj Bahadur: As the hon. Member is perhaps aware, three officers have been suspended apart from the principal accused, and none of them is a superintendent of post offices. They have been suspended on what the police advise us to do, and we cannot go beyond what the police ask us to do in a case which is under investigation.

REORGANISATION OF R.M.S.

*2189. **Shri Krishnacharya Joshi:** Will the Minister of Communications be pleased to state:

(a) whether the scheme of the Reorganisation of the Railway Mail Service has been implemented; and

(b) if so, its main features?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) A copy of the order issued on the subject is laid on the Table of the Sabha. [*See* Appendix X, annexure No. 26].

Shri Krishnacharya Joshi: May I know whether better co-ordination with the railway authorities has been effected after the reorganisation of the R.M.S.?

Shri Raj Bahadur: The organisation has been resorted to with that objective in view, and in course of time we hope that the reorganisation will prove a success from that standpoint.

Shri Krishnacharya Joshi: May I know whether Government have received any representations expressing dissatisfaction regarding the Bihar Circle that as the headquarters of the Eastern Railway is at Calcutta, there is no co-ordination?

Shri Raj Bahadur: Certain representations have been received about the reorganisation, but we had to reorganise the whole set-up of these sections and divisions mainly on three principles: firstly, that every circle should have at least one RMS division, secondly, that the jurisdiction of an RMS division should, as far as possible, be limited to one zone of the railway and thirdly, that any transfer of staff, so far as it can be avoided, should be so worded. So on these three principles, even though they are to some extent mutually inconsistent, we have tried to come to a sort of a reasonable or optimum standard in reorganisation of the system.

श्री धुलेकर : झांसी भुसावल आर० एम० एस० सेक्शन नागपुर के कर्मचारियों की जो शिकायत है कि उनको नागपुर डिवीजन के साथ रहने में बहुत तकलीफ है और उनको यू० पी० के साथ मिला दिया जाए उसके बारे में क्या हुआ है ?

श्री राज बहादुर : यह प्रश्न अगर निश्चित रूप में मेरे सम्मुख आए तो मैं अवश्य इस का उत्तर देने का प्रयास करूंगा ।

Shrimati Renu Chakravartty: In view of the fact that a large number of sections of the RMS 'C' division have been transferred from Calcutta, and Calcutta is also the headquarters of the Eastern Railway, may I know how far this reorganisation will be in keeping with the second principle which has been enunciated by the hon. Deputy Minister, keeping in view also the fact that the volume of the traffic of RMS mails is from and to Calcutta and round about?

Shri Raj Bahadur: I have said that we have tried to strike a golden mean between these principles and tried to reconcile them, but the fact is that after the regrouping of railways the necessity arose that we should reorganise our RMS divisions, and that is what we have done.

TELEGRAMS IN REGIONAL LANGUAGES

*2192. **Shri Dabhi:** Will the Minister of **Communications** be pleased to state:

(a) the names of the regional languages in which telegrams are being booked at present; and

(b) whether Government propose to extend the Indian Languages telegrams service to places where it is not in vogue now?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) All the regional languages, provided they are written up in the Devanagri script.

(b) Yes, gradually.

Shri Dabhi: Am I to understand that a telegram service in Gujerati has been introduced? If so, at which place?

Shri Raj Bahadur: Yes, provided it is written in Devanagri script.

श्री भक्त दर्शन : क्या कोई ऐसी योजना भी बनाई गई हैं जिस से कि जो इंग्लिश टेलीग्राफिस्ट हैं उन को धीरे धीरे हिन्दी टेलीग्राफी तथा दूसरी प्रादेशिक भाषाओं में ट्रेनिंग दी जा सके ?

श्री राज बहादुर : दूसरी प्रादेशिक भाषाओं की ट्रेनिंग देने की तो आवश्यकता नहीं हैं किन्तु हम ने इस बात को प्रोत्साहन दिया हैं कि इंग्लिश टेलिग्राफिस्ट हिन्दी टेलीग्राफी भी सीख लें और उनको इसके लिए शुल्क में भी रियायत दी गई हैं। मैं आशा करता हूं कि इस सम्बन्ध में और जो भी सुविधाएं देने की आवश्यकता पड़ेगी उन पर विचार किया जायेगा।

श्री भागवत झा आजाद : क्या यह बात भी ध्यान में आई हैं कि तार देने वालों को कई बार निराश हो कर वापस आना पड़ता हैं और क्या समय बढ़ाने पर भी विचार किया जा रहा हैं ?

श्री राज बहादुर : उस स्थिति का जिस के बारे में सदस्य महोदय ने अपने प्रश्न में संकेत किया हैं उसके बारे में मैं इन्कार करता हूं। अगर इस इन्कार करने के बावजूद भी कोई ऐसी शिकायत उनके पास हैं या ऐसा उदाहरण हैं जिस में कि उनको वापस आना पड़ा हो तो वह उसे मेरे नोटिस में लाएं और मैं अवश्य जांच करूंगा। तार देने का समय बढ़ा दिया गया हैं।

REMODELLING OF STATIONS

*2193. **Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) the number of Railway station yards remodelled in 1954; and

(b) the number proposed to be remodelled in 1955?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) 49.

(b) 158; in addition to 24 stations where yard remodelling was in progress during 1954 and would continue in 1955.

श्री डी० सी० शर्मा : क्या मंत्री जी यह बताने की कृपा करेंगे कि भारतवर्ष में कितने रेलवे स्टेशन यार्डस को रिमॉडल करने की आवश्यकता हैं ?

श्री शाहनवाज खां : जरूरत तो बहुत ज्यादा हैं लेकिन रेलवे के पास जितनी पूंजी हैं और जितनी उनके पास ताकत हैं उसके मुताबिक पूरी पूरी कोशिश की जा रही हैं।

श्री डी० सी० शर्मा : क्या मंत्री जी को यह पता हैं कि मुगलसराय का जो स्टेशन यार्ड हैं वह एक बहुत पुराने ढंग का हैं और हमारी जरूरत के लिए बड़ा अपर्याप्त हैं, क्या उसको ठीक करने के लिए कोई योजना बनाई गई हैं ताकि वह बाटल नेक खत्म हो जाए और अगर बनाई गई हैं तो उस योजना की डिटेल्ज क्या हैं ?

रेलवे तथा परिवहन मंत्री (श्री एस० बी० शास्त्री): मुझे पता नहीं कि माननीय सदस्य ने मुगलसराय स्टेशन यार्ड का दौरा किया है या नहीं।

श्री डी० सी० शर्मा : किया है।

श्री एस० बी० शास्त्री : किया है लेकिन मैं बताना चाहता हूं कि वह यार्ड १२-१२ मील में फैला हुआ है और उसको काफी बढ़ाया गया है। यार्ड के इंटरचेंज आदि के, प्रबन्ध को भी नया किया गया है और अभी हम वहां बहुत कुछ करने वाले भी हैं।

Mr. Speaker: Next question, No. 2194.

Shri Syamnandan Sahaya: In the remodelling scheme, is there any division.....

Mr. Speaker: Order, order. I have called the next question.

LICENCE FEE FROM RAILWAY STALLS

*2194. **Shri S. C. Samanta:** Will the Minister of **Railways** be pleased to lay a statement on the Table of the House showing:

(a) the manner in which the licence fee charged from the tea-stalls and the vegetarian and non-vegetarian Restaurants on various Railway Stations, is calculated;

(b) whether it is a fact that the average daily sale proceeds are also taken into account in levying the licence fee; and

(c) if so, how and by whom these records of sales proceeds are submitted?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (b). Railway Administrations charge reasonable licence fees, taking into consideration local conditions and other relevant factors, including the volume of business.

(c) Records of sale are made available by contractors to the Commercial Department of Railways, as and when required for assessment of the volume of business.

Shri S. C. Samanta: May I know whether Government are aware that even in neighbouring stations, there is so much disparity in the licensing fees which is detectable by us as laymen? Will Government inquire why such discrimination is going on?

Shri Shahnawaz Khan: If the hon. Member would give us more information about the particulalr stations which he has in mind, we will certainly look into that.

Shri S. C. Samanta: Are Government aware that in some stations sale proceeds for one day were taken and accordingly the licensing fee was increased or decreased?

Shri Shahnawaz Khan: The Railway Board have laid down broad principles regarding the method by which licensing fees are to be assessed in respect of various stations. On the basis of those principles, the Railway Administrations are competent to fix the licensing fees, i.e. within the limitations of those principles.

Shri U. M. Trivedi: May I know how many of these licensees are minor boys below the age of five?

Shri Shahnawaz Khan: There cannot be any such thing. May be that in a case the father has died and the contract continues and it is managed by the boy under a guardian or something like that. There may be a solitary instance like that. If the hon. Member brings it to our notice, we will look into it.

डोंगरगढ़ और बिलासपुर के बीच रेल गाड़ी

*२१६६. श्री बी० एन० मिश्र : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) एवीच रेलवे में डोंगरगढ़ और बिलासपुर के बीच चलने वाली लोकल रेल

गाड़ी को फिर से प्रारम्भ करने के लिये क्या कोई मांग की गई है, और

(ख) क्या सरकार इस लोकल गाड़ी को फिर से चलायेगी; और

(ग) यदि हां, तो कब ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) जी हां।

(ख) जी नहीं।

(ग) प्रश्न नहीं उठता।

श्री बी० एन० मिश्र : क्या मैं मंत्री महोदय से पूछ सकता हूं कि जैसे अभी हाल ही में उन्होंने एक कान्फ्रेंस में कहा था कि रूरमती की रेलवे पर यातायात का ज्यादा भार होने के कारण हम दूसरी मोटरों या दूसरी और चीजों का प्रयोग करने वाले हैं तो क्या इस बात पर विचार किया जा रहा है कि वहां पर लोकल ट्रेंस होनी चाहिएं ?

श्री शाहनवाज खां : जैसा कि अभी थोड़ी देर पहले आनरेबल मिनिस्टर साहब फरमा चुके हैं कि रूड़खेला से नागपुर तक पूरी लाइन को डबल कर रहे हैं, इस लिए कोई नई पैसेंजर ट्रेंस वगैरह चलाने का सरदस्त इरादा नहीं है। मौजूदा गाड़ियों को काफी समझा जाता है।

श्री जांगड़े : क्या मैं जान सकता हूं कि मेरे द्वारा पूछे गये दो प्रश्नों के उत्तर में माननीय मंत्री महोदय ने कहा था कि जब कोचेज एवेलेबिल होंगे तब लोकल ट्रेनें फिर से चलायी जावेंगी ? क्या यह सही नहीं है कि अब बहुत सी कोचेज एवेलेबिल हो गयी हैं और कई लाइनों पर नई गाड़ियां चलायी जा रही हैं और कुछ पहले चलने वाली गाड़ियां फिर से चालू कर दी गयी हैं, जब कि इस लाइन पर अभी तक कोई भी गाड़ी नहीं चलायी गयी है ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री): जब माननीय सदस्य महोदय ने यह सवाल पूछा उस वक्त स्टील प्लांट्स बनने का फैसला नहीं हुआ था।

CONTRIBUTORY HEALTH SERVICE SCHEME

*2198. **Shri Jhulan Sinha:** Will the Minister of **Health** be pleased to refer to the reply given to starred question No. 1518 on the 25th March, 1955 and state whether the number of Centres opened under the Contributory Health Service Scheme is adequate for the number of persons to be treated?

The Deputy Minister of Health (Shrimati Chandrasekhar): The number of centres is considered to be more or less adequate at present.

Shri Jhulan Sinha: May I know whether Government is aware that a large number of low paid government servants have to come back from these dispensaries disappointed because they cannot be looked into in due time?

Shrimati Chandrasekhar: In the beginning there were few such complaints. Of late the complaints are nil. So, I think, the scheme is working successfully.

Shri Jhulan Sinha: May I know if Government is aware that there are also a fairly large number of such low paid government servants who did not fill their forms in time and so they are now being deprived of the benefits of the scheme whereas deductions are compulsorily made from their pay?

Shrimati Chandrasekhar: I take the information from the hon. Member.

Dr. Rama Rao: May I know the total number of doctors employed under the scheme and the money that Government have spent on the whole scheme in Delhi city?

Shrimati Chandrasekhar: For this scheme, about 81 doctors have been sanctioned and the probable expendi-

ture for 1954-55 was about Rs. 21 lakhs, on the whole scheme, not only on the pay of the officers.

Shri Bhagwat Jha Azad: May I know what are the reasons for compelling the officers under this Contributory Health Scheme to have treatment only of the allopathic system? Have they any choice to have ayurvedic or homoeopathic treatment; if not, why not?

Shrimati Chandrasekhar: Since the Government of India do not at present recognise any other system than the modern system, it is not allowed.

रेल दुर्घटना

*२२००. **श्री रघुनाथ सिंह :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि २६ मार्च, १९५५ को दिल्ली से बम्बई जाने वाली पठानकोट एक्सप्रेस धौलपुर स्टेशन पर दुर्घटना ग्रस्त हो गई ; और

(ख) यदि हां, तो उसके कारण क्या थे ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) २७-३-५५ को सवेरे ३ बजकर ९५ मिनट पर (न कि २६-३-५५ को जैसा कि प्रश्न में कहा गया है) ४ अप पठानकोट एक्सप्रेस गाड़ी दो खाली डिब्बों से टकरा गयी, जो मुख्य लाइन पर खड़े थे। जिस समय टक्कर लगी, गाड़ी मध्य रेलवे के आगरा-झांसी सेक्शन के धौलपुर स्टेशन पर आ रही थी। ये डिब्बे स्टेशन के अप बाहरी सिगनल और अप होम सिगनल के बीच मुख्य लाइन पर पहले से खड़े थे।

(ख) रेलवे अधिकारियों ने जांच के बाद जो रिपोर्ट दी हैं उससे मालूम होता है कि यह दुर्घटना मुख्य लाइन पर खड़े दो माल-डिब्बों के कारण हुई। धौलपुर स्टेशन यार्ड में 'शंटिंग' के समय कुछ माल-डिब्बे मुख्य लाइन से हो कर मालगोदाम की लाइन से 'ट्रान्शिप शेड लाइन' पर बदले जा रहे थे। उस समय मालगाड़ी के दो डिब्बे मुख्य लाइन पर छूट गये जिन पर किसी का ध्यान न गया।

श्री रघुनाथ सिंह : मेन लाइन पर जो डिब्बे खड़े थे वह इस गाड़ी के आने पर हटाये क्यों नहीं गये ?

श्री शाहनवाज खां : यह उनकी बड़ी भारी भूल हुई, जिसके लिए उनको बहुत कड़ी सजायें दी जा रही हैं।

श्री रघुनाथ सिंह : इसके लिए जिम्मेदार कौन हैं ?

श्री शाहनवाज खां : एक तो जो गुड्स ट्रेन का गार्ड था वह जिम्मेवार ठहराया गया। उसको नौकरी से हटा दिया गया। जो पाइंट्स मैन था उसके साथ भी ऐसी ही कार्रवाई की गयी हैं। बुक्स मेन और गुड्स ट्रेन के ड्राइवर को भी सजा दी गयी हैं। यह लोग भी जिम्मेवार ठहराये गये थे।

श्री धूलेकर : क्या यह इसलिए किया गया . . . . . .

Mr. Speaker: It is a small matter; now, it has been finished. There is no use going deep into that.

Polishing of Rice

*2201. **Shri Dabhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Government have advised the Bombay State to modify the latter's restrictions over the quantity of bran permitted to be removed in the polishing of rice; and

(b) if so, the reasons therefor?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The proposal for the removal of bran to the extent of 6 2/3 per cent. in the polishing of rice was made by the Government of Bombay and it was agreed to by the Government of India.

(b) The relaxation was made to enable the millers in Bombay to compete in the open market with full polished rice coming into that State from outside.

Shri Dabhi: May I know whether it is a fact, according to expert opinion, that polished rice loses its vitamin contents and mineral salts and its consumers become open to certain diseases like beri-beri?

Shri M. V. Krishnappa: It is a fact that polished rice loses much of its nutritive value and, economically also, it is an ideal thing to supply undermilled rice or unpolished rice. But, by our experience it has been found out that it is impracticable. Because, during control days we supplied unpolished rice and the consumers cursed us and after taking it from the ration shops they again milled it and consumed it.

FORESHORE OF THE HOOGHLY

*2202. **Shri S. C. Samanta:** Will the Minister of **Transport** be pleased to lay a statement on the Table of the House showing:

(a) the number of cases of encroachment on the foreshore of the Hooghly at Calcutta detected since 1947 (year-wise);

(b) the number of cases in which Government had to go to law courts to have the issues settled;

(c) whether any uniform assessment has been made on the encroached land in the various cases; and

(d) the amount of revenue received from the assessment made in the various cases in 1953-54?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A statement is laid on the Table of the House. [*See* Appendix X, annexure No. 27.]

(b) Nil.

(c) Yes, in all but certain exceptional cases where concessional rates were justified.

(d) Rs. 17,881-13-6.

Shri S. C. Samanta: May I know whether the number of encroachments increased in 1954-55?

Shri Alagesan: Yes, Sir; a larger number of cases have been detected by the officer concerned.

Shri S. C. Samanta: May I know whether there is any supervisory staff there to look into the matter?

Shri Alagesan: Yes, Sir; the Manager of the Government of India Estates, Calcutta is in charge of the work and he has got some staff to assist him in this work.

Shri S. C. Samanta: May I know whether there is any differentiation in the policy of assessment of encroachments and in general?

Shri Alagesan: There is not much of differentiation. Only in cases where it is for the benefit of the passengers and the public like bathing ghats etc., reduced rates are levied. Otherwise, there is no differentiation.

Shri Nageshwar Prasad Sinha: May I put my question, No. 2176, Sir?

Shri Joachim Alva: Also question No. 2190, Sir.

Mr. Speaker: Here is a list of questions which have not been put. I will go on calling the names and any hon. Member whose question comes will actually rise and put his question.

MOBILE CINEMA

*2176. **Shri Nageshwar Prasad Sinha:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that the mobile cinema introduced under the scheme of Mica Mines Labour Welfare Work in Kadarma in Bihar State has been closed down;

(b) if so, the reasons therefor; and

(c) whether Government propose to resume the shows?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). No. The generator is at present out of order and shows are given only on mines where electricity is available.

(c) The generator is being repaired and shows at centres where there is no electricity will be resumed shortly.

Shri Nageshwar Prasad Sinha: Was there any occasion for these shows being suspended in the past? What is the report before the Government?

Shri Abid Ali: There is no report; it might have been suspended if the generator was out of order.

Shri Nageshwar Prasad Sinha: May I, in this connection, ask the hon. Minister what are the types of films shown and who is responsible for selecting them?

Shri Abid Ali: If the hon. Member puts a separate question, I will obtain this information.

बीकानेर रेलवे वर्कशाप

*२१७८. **श्री पी० एल० बारूपाल :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) बीकानेर रेलवे वर्कशाप के विकास के लिये यदि कोई कार्यवाही की जा रही हो तो वह क्या है ; और

(ख) क्या वहां यात्री गाड़ी और माल गाड़ी के डिब्बे बनाने के लिये भी सरकार की कोई योजना है ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां): (क) अभी तो कोई ठोस प्रस्ताव नहीं है।

(ख) जी नहीं।

श्री पी० एल० बारूपाल : क्या यह सही है कि बीकानेर के महाराज ने अपनी निजी वैगन्स वर्कशाप बनाने के लिए रेलवे मंत्रालय के पास कोई प्रार्थना की है और यदि हां, तो उस विषय में क्या किया जा रहा है ?

श्री शाहनवाज खां : हमारे पास मौजूदा हालात के मुताबिक वर्कशाप्स् की खासी कमी है, उतने वर्कशाप्स् नहीं हैं जितने कि हम चाहते हैं कि हों। बीकानेर वर्कशाप जो है वह रिपेयर्स वगैरह के काम में पूरी तौर पर लगी हुई है और वैगन्स् बनाने के लिए कोई खास जरूरत महस्स नहीं होती क्योंकि हमें वैगन्स् काफी आसानी से दूसरे जरायों से मिल सकते हैं।

Shri Joachim Alva: May I have your special permission to put the question of Shri Chaudhary Starred Question No. 2190 in view of its importance?

Mr. Speaker: Yes, after the other questions are finished.

Indian Shipping

*2167. **Dr. Rama Rao** (*on behalf of* **Shri T. B. Vittal Rao**): Will the Minister of **Transport** be pleased to refer to the reply given to starred question No. 470 on the 29th November, 1954 and state:

(a) whether any scheme for allotting an increased percentage of tea cargo to Indian shipping companies has since been submitted to Government;

(b) if so, the details thereof; and

(c) if not, the action Government propose to take to protect the Indian shipping interests in this regard?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise

(c) The matter is still under consideration in consultation with the interests concerned.

Air accident at Kawai

*2190. **Shri Joachim Alva** (*on behalf of* **Shri G. L. Chaudhary**): Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that one Dakota of the Indian Air-lines went off the runway while landing at Kawai Airstrip on the 29th March, 1955; and

(b) if so, the loss incurred by Government due to this accident?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, Sir. The accident referred to occurred at Khowai Airstrip.

(b) The aircraft has been badly damaged. The value of loss sustained is not known.

Shri Joachim Alva: Are all the runways brought up-to-date at the various airports in India?

The Minister of Communications (Shri Jagjivan Ram): This runway is simply an airstrip. Because Tripura is an important centre and there is no other means of transport to connect it, this airstrip is being utilised.

Shri Joachim Alva: After every accident has occurred, has the Ministry gone into the causes of the accident and seen that these accidents are avoided next time?

Shri Jagjivan Ram: That is invariably done; after every accident, either a court of inquiry is set up or investigation into the causes of the accident is done by the departmental officers.

Shri Joachim Alva: In view of the numerous accidents that have been taking place and on account of a kind of insecurity that prevails in the minds of the public, will the hon. Minister be prepared to have a two hour discussion in order to have a free and frank discussion in this matter?

Mr. Speaker: Order, order. It is not for the hon. Minister to admit the discussion. It is the privilege of the Chair and the hon. Member may give notice to the Chair.

श्री रघुनाथ सिंह : इसका सबब क्या है ? यह जो एक्सीडेंट हुआ, इसका कारण क्या है ?

श्री राज बहादुर : इसका कारण यह था कि हवाई जहाज का चालक रनवे पर उतर रहा था, लेकिन उससे फिसल गया और रनवे से नीचे उतर गया।

श्री रघुनाथ सिंह : यह रनवे सीमेंट का है या और किसी का है ?

श्री राज बहादुर : इस प्रश्न का उत्तर दिया जा चुका है।

Short Notice Question and Answer

STRIKE BY RAILWAY PORTERS AT LUCKNOW STATION

S.N.Q. No. 7. Shri R. R. Shastri: Will the Minister of **Railways** be pleased to state:

(a) whether due to the strike of porters at Lucknow Charbagh Station businessmen and the public are experiencing difficulties in the matter of transport of luggage; and

(b) whether the strike of porters is as a protest against the high-handedness of the contractor of the station and also for solving the matter regarding their pay?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) There has been no difficulty in the transport of luggage taken unbooked, or booked for conveyance in the personal custody of passengers. There has, however, been some detention to parcels, and to luggage booked to be carried in brake vans.

(b) The strike arose principally from a dispute in regard to quantum of payment to licensed porters for handling booked parcels and luggage.

श्री आर० आर० शास्त्री : क्या गवर्नमेंट यह बताने की कृपा करेगी कि कितने लाइसेंसड कुली रेलवे स्टेशन पर हैं और कितना मासिक उनको वेतन दिया जाता है ?

Shri Alagesan: I have no idea of the number of porters. They are all contract porters, but their demand was that the rate of Rs. 1/4/- per man-day for a total of 144 man-days per day should be enhanced to Rs. 1/8/- per man-day for a total of 300 man-days. That was the main demand on which they went on strike.

श्री आर० आर० शास्त्री : क्या गवर्नमेंट को मालूम है कि वहां का ठेकेदार ६०० कुलियों

को भर्ती करता हैं और १४४ कुलियों की तनख्वाह ६०० कुलियों को बांटने पर एक कुली को केवल ६ रुपये मिलते हैं ?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री): जहां तक कि कुलियों को मजदूरी देने की बात हैं, उससे हमारा सीधा कोई ताल्लुक नहीं हैं, वह कंट्रैक्टर के कुली हैं और हमारा कंट्रैक्टर से कुछ एग्रीमेंट होता हैं जिसके मुताबिक हम कंट्रैक्टर को एक रकम दे देते हैं, अब यह कंट्रैक्टर का काम हैं कि वह ठीक मजदूरी कुलियों को दे ।

श्री आर० आर० शास्त्री : क्या गवर्नमेंट इस कंट्रैक्ट सिस्टम को खत्म करने के वास्ते तैयार हैं जिसकी कि वजह से यह तमाम गड़बड़ी होती हैं ?

श्री एल० बी० शास्त्री : हमारी पालिसी "Decasualisation" की हैं और बहुत से स्टेशनों पर हम Decasualisation की पालिसी को काम में ला चुके हैं ।

श्री आर० एन० सिंह : क्या मैं जान सकता हूं कि २०८ कुलियों में से १८५ कुलियों को रेलवे की धारा १२० और १२१ के अन्तर्गत सजाएं हो चुकी हैं और उनका मुकदमा जेल में किया गया और उन्हें अपने मुकदमे की पैरवी करने के लिए भी मौका नहीं दिया गया ?

श्री एल० बी० शास्त्री : जहां तक उन पर मुकदमा चलाने की बात हैं, वह तो ला एंड आर्डर की बात हैं और उससे उस प्रदेश की सरकार का सम्बन्ध हैं । उसमें हमारा कोई खास हाथ नहीं हैं और वहां का होम डिपार्टमेंट उन सारी बातों को देखकर जो उस ने मुनासिब समझा, कार्यवाही की, लेकिन मैं इतना माननीय सदस्य से कहना चाहता हूं कि मैं जल्दी ही लखनऊ जाने वाला हूं और मेरा विचार हैं कि इस मामले को मैं खुद देखूं ।

श्री रामजी वर्मा : क्या मंत्री जी इस बात को बतायेंगे कि क्या यह वाकया नहीं हैं कि आपके पास पहले से ६ महीने पहले से दरख्वास्त दे रक्खी थी और उस पर कोई सुनवाई नहीं हुई और जिसके कारण यह हड़ताल हुई ?

श्री एल० बी० शास्त्री : जी नहीं, दरख्वास्त तो नहीं दी थी, लेकिन माननीय सदस्यों ने जो आमतौर पर तरीका निकाल रक्खा हैं कि बजाय इसके कि सहूलियत से मिलें, एक गैर मौके और नामुनासिब तरीके पर प्रदर्शन करते हैं, लिहाजा उस वक्त की दरख्वास्त को मैं दरख्वास्त नहीं मानता ।

WRITTEN ANSWERS TO QUESTIONS

New Railway Lines

***2164. Shri Radha Raman:** Will the Minister of **Railways** be pleased to state:

(a) whether suggestions have been received from all the States regarding new railway lines to be constructed during the Second Five Year Plan;

(b) whether the Central Board of Transport has considered them; and

(c) if so, the decisions taken by the Board?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No, Sir.

(c) Does not arise.

Creches in Collieries

***2170. Dr. Ram Subhag Singh:** Will the Minister of **Labour** be pleased to state:

(a) the number of creches provided at present in (i) State-owned, and (ii) private collieries in Bihar;

(b) how many of them are working satisfactorily; and

(c) whether all these creches are regularly supplied with milk, dolls etc.?

The Deputy Minister of Labour (Shri Abid Ali): (a) (i) 7.

(ii) 52.

(b) Only those creches where milk and diet are supplied for children are considered to be running satisfactorily. Number of such creches is 28.

(c) No. Milk and diet are supplied at 28 creches and milk only at five creches. Toys are provided in most of the creches.

D. D. T.

*2172. **Sardar Hukam Singh:** Will the Minister of **Health** be pleased to state the total quantity of D.D.T. consumed in the country during 1954?

The Minister of Health (Rajkumari Amrit Kaur): 68,23,108 lbs. of D.D.T. 75 per cent. wettable powder were consumed during the year 1954-55.

Training of Unregistered Medical Practitioners

*2173. **Thakur Lakshman Singh Charak:** Will the Minister of **Health** be pleased to state whether Government propose to bring forward any legislation regulating the standard of education and practical training of un-registered Vaidyas, Hakims and Homoeopaths?

The Minister of Health (Rajkumari Amrit Kaur): The matter is under consideration.

Bongaigaon Post Office Building

*2175. **Shri Brohmo-Choudhury:** Will the Minister of **Communications** be pleased to state:

(a) whether Government are aware that the Sub-Post Office building at Bongaigaon (Assam) is not adequate to cope with the present needs;

(b) whether there is any proposal to construct a more spacious building there; and

(c) if so, when the construction work is expected to be taken up?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Yes.

(c) The work will be taken up in hand as soon as preliminaries are completed which are already in hand.

Wages in Cement Industry

*2177. **Thakur Jugal Kishore Sinha:** Will the Minister of **Labour** be pleased to refer to the reply given to starred question No. 331 on the 24th November, 1954 and state:

(a) the progress made so far by the Board appointed to prescribe the basic minimum (standard) rates of wages of the employees in the cement industry; and

(b) how long it will take to finalise their recommendation?

The Deputy Minister of Labour (Shri Abid Ali): (a) The Board met on the 22nd and 23rd March, 1955. Certain decisions regarding the size of State Boards' standardization of occupational nomenclature and minimum wages and dearness allowance, amalgamation of a part of dearness allowance with basic wages, and principles on which bonus is to be paid, were reached.

The concerned State Governments have been requested by the Chairman, Central Wages Board, to form State Boards immediately and to obtain and forward the views of State Boards on the question of minimum wages, dearness allowance, amalgamation of part of dearness allowance with basic wages and payment of bonus, by the 31st May, 1955.

(b) The Central Wages (Standardization) Board is expected to finalise its recommendation by the 30th September, 1955.

Medical Examination of Railway Employees

*2179. **Col. Zaidi:** Will the Minister of **Railways** be pleased to state:

(a) whether all employees serving in dining cars and Railway restaurants

as well as all vendors having a licence to sell food and drinks, and their employees, are medically examined at least once a year and obtain a certificate of good health; and

(b) if not, the action proposed to be taken in the matter?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) Does not arise.

SALEM RAILWAY STATION

*2185. **Shri S. V. Ramaswamy:** Will the Minister of **Railways** be pleased to state:

(a) whether there is any scheme for remodelling the Salem Junction;

(b) if so, the details thereof; and

(c) when it is likely to be taken up?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No, Sir.

(b) and (c). Do not arise.

मछली पकड़ना

*२१९८. **श्री अमर सिंह डामर :** क्या स्वास्थ्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) समुद्र-तटीय क्षेत्रों में मछली पकड़ने के कौन कौन से अच्छे तरीके चालू किये गये हैं ;

(ख) क्या सरकार ट्रालरों से मछली पकड़ने के तरीके को लोकप्रिय बनाने में सफल हो सकी है ; और

(ग) एक ट्रालर में एक दिन में औसतन कितनी मछली पकड़ी जाती है ?

स्वास्थ्य तथा कृषि उपमंत्री (श्री एम० वी० कृष्णप्पा): (क) समुद्र तटीय मीन क्षेत्रों में यांत्रिक नावों द्वारा मछली पकड़ने के लिये माइलॉन के बने हुए जाल तथा बड़े जाल पहले से ही इस्तेमाल में लाये जा रहे हैं। छल्ले वाले जाल, लम्पारा जाल, लम्बी लाईनिंग इत्यादि जैसे अन्य सुधरे हुए मछली पकड़ने के तरीकों के बारे में प्रयोग किये जा रहे हैं तथा जब यान्त्रिक मछली पकड़ने वाले जहाज अधिक लोक प्रिय हो जायेंगे, समय आने पर उन से काम लिया जायेगा।

(ख) सरकार द्वारा किये गये खोज पूर्ण ट्रालिंग के फलों द्वारा निजी व्यवसाय करने वाले कार्य कर्ताओं का ध्यान पहले ही से खींचा हुआ है।

(ग) मछलियां पकड़ने के लिये बन्दरगाह को छोड़ने के बाद एक छोटे (८५ फीट लम्बे) ट्रालर के द्वारा एक दिन में औसतन २ टन मछली तथा बड़े (१२६ फीट लम्बे) ट्रालर से लगभग ४ टन मछली पकड़ी जाती है।

जापान से रेलवे इंजिन

*२१९५. **डा० राम सुभग सिंह :** क्या रेलवे मंत्री २५ मार्च, १९५५ को दिये गये तारांकित प्रश्न संख्या १५२७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) ७५ इंजिन लेने के लिये सर्वश्री हिताची लिमिटेड, टोकियो को किस तारीख को आर्डर दिये गये थे ; और

(ख) यह इंजिन किस तारीख को भारत में आ जायेंगे ?

रेलवे तथा परिवहन मंत्री के खभासचिव (श्री शाहनवाज खां): (क) २९ अक्टूबर, १९५२।

(ख) इन इंजनों की एफ० ओ० बी० डॅलिवरी (F. O: B: Delivery) अक्टूबर १९५४ से शुरू हो जायगी और सितम्बर १९५५ तक खतम हो जायगी। जापानी बन्दरगाह पर एफ० ओ० बी० डॅलिवरी के बाद भारत पहुंचने में इन इंजनों को लगभग १½ महीने लग जाते हैं।

बिहार में कोढ़ का नियंत्रण

*२१६७. **ठाकुर युगल किशोर सिंह :** क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) बिहार राज्य में कोढ़ के नियन्त्रण के लिये कुल कितने नियंत्रण यूनिट स्वीकृत किये गये हैं ; और

(ख) कितने यूनिट वहां पहले से ही काम कर रहे हैं और इस साल के दौरान कितने और यूनिट बढ़ाये जायेंगे ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) तीन ।

(ख) बिहार में तीन केन्द्र पहले से ही काम कर रहे हैं । इनके अलावा बिहार सरकार ने पांच और केन्द्रों की मांग की हैं । इस पर विचार किया जा रहा हैं ।

गन्ने की खेती

*२१६६. **श्री अमर सिंह डामर :** क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि १९५३-५४ के दौरान कुल कितनी एकड़ भूमि पर खाद्य फसलों के स्थान पर गन्ने की खेती की गई ?

खाद्य तथा कृषि उपमंत्री (श्री एम० वी० कृष्णप्पा): पूछे हुए विषय के बारे में जानकारी अभी उपलब्ध नहीं हैं । लेकिन सन् १९५३-५४ में गन्ने की कुल खेती केवल २५.९८ लाख एकड़ भूमि में की गई जब कि सन् १९५०-५१ से १९५४-५५ तक गन्ने की औसतन भूमि ४१.१९ लाख एकड़ रही ।

हिन्दी में तार

*२२०३. **श्री अमर सिंह डामर :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि अगले वर्ष सरकार कितने तारघरों में हिन्दी में तार भेजने की व्यवस्था करने का विचार कर रही हैं

संचार उपमंत्री (श्री राज बहादुर): ठीक संख्या बताना कठिन हैं । परन्तु प्रयत्न किया जावेगा कि पहले बिहार, उत्तर प्रदेश, पंजाब, राजस्थान, सेंट्रल व बम्बई हल्कों के जिलों के प्रधान नगरों में वे उसके बाद अन्य सब हल्कों के प्रमुख स्थानों में ऐसी व्यवस्था की जा सके ।

जबलपुर के निकट खान दुर्घटना

७१७. **श्री रघुनाथ सिंह :** क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच हैं कि ८ फरवरी, १९५५ को जबलपुर से लगभग छः मील की दूरी पर खमरिया युद्ध सामग्री के कारखाने के निकट एक खान धंस गई थी ;

(ख) यदि हां, तो दुर्घटना के कारण क्या थे ;

(ग) इस दुर्घटना में कितने व्यक्ति मरे और कितने घायल हुये ; और

(घ) मृतक व्यक्तियों के परिवारों को कितना प्रतिकर दिया गया ?

श्रम उपमंत्री (श्री आबिद अली): (क) और (ख). जी, नहीं । किन्तु ८ फरवरी १९५५ को खमरिया युद्ध सामग्री के कारखाने के कुछ मजदूर जब कारखाने के चक में मकानों की मरम्मत के लिए मुर्रम खन रहे और एकत्र कर रहे थे तो खाई का एक सिरा ढह गया ।

(ग) एक मजदूर मरा और दो मजदूरों को चोटें लगीं ।

(घ) प्रतिकर देने के प्रश्न पर कारखाने के अधिकारी विचार कर रहे हैं ।

Engineering Supervisors

718. Thakur Jugal Kishore Sinha: Will the Minister of **Communications** be pleased to: (i) lay on the Table of the House a copy of the rules for the fixation of seniority of Engineering Supervisors in the Posts and Telegraphs Department; and (ii) state whether it is a fact that the seniority of 32 civilian supervisors recruited during 1941 was affected by the batch of Supervisors of 1943, thus contravening the rules on the subject?

The Deputy Minister of Communications (Shri Raj Bahadur): (i) The relevant orders are contained in—

(1) rule 28 of the Department of Communications Resolution No. S. 116/1, dated 2nd April, 1941;

(2) rule 28 of the Department of Posts and Air Resolution No. S. 116/1/42, dated 8th June, 1943; and

(3) the Ministry of Communications letter No. STA 117-7/49, dated 11th May, 1953,

copies of which are placed on the Table of the Sabha. [*See* Appendix X, Annexure No. 28]

(ii) No.

FOREIGN TOURISTS

719. Thakur Jugal Kishore Sinha: Will the Minister of **Transport** be pleased to refer to page 38 of his Ministry's Report for 1954-55 and state:

(a) the difficulty in getting reliable figures of foreign exchange earned from foreign tourists in 1954; and

(b) the exchange earned, country-wise?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The foreign exchange earnings from foreign tourists are estimated by the Reserve Bank of India on the basis of sample surveys. As satisfactory response was not received from tourists to the questionnaire cards issued to them in 1954, no reliable estimate is available. Having regard to the large increase in the number of foreign tourists in 1954, as compared to the corresponding number in 1952, when the foreign exchange earnings, as estimated by the Reserve Bank on the basis of sample survey, amounted to Rs. 2·5 crores, and other indirect evidence, the amount earned in that year was estimated to be in the neighbourhood of Rs. 5 crores.

(b) The information is not available.

RAILWAY EMPLOYEES

720. Chaudhri Muhammed Shaffee: Will the Minister of **Railways** be pleased to state the nature of the relief given to Line Staff of the Railways on holidays?

The Deputy Minister of Railways and Transport (Shri Alagesan): No specific relief is given to Line Staff employed on the Railways for having to work on holidays, as their duties are connected with the running of trains, booking of passengers, etc. but in common with the other staff, they are eligible for weekly rest under the Hours of Employment Regulations and also for fifteen days' casual leave in a year and in addition, other leave privileges as admissible to them under the leave rules.

WATCH AND WARD STAFF

721. Chaudhri Muhammed Shaffee: Will the Minister of **Railways** be pleased to state:

(a) the number of Watch and Ward constables usually posted at Railway Stations;

(b) whether any of them are posted at the residences of officers; and

(c) if so, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The number depends on the size and importance of the stations. The total number posted on all the Railway stations on the Indian Railways is 16,255.

(b) and (c). Yes, Sir. Some Sainiks are posted to look after blocks of flats, or residences of certain senior Railway Officers on certain Railways to guard against theft of costly fittings, etc. and for security of official documents.

RAILWAY EMPLOYEES

722. Chaudhri Muhammed Shaffee: Will the Minister of **Railways** be pleased to state:

(a) the number of Class II, III and IV employees working on the North-

ern Railway as on the 28th February, 1955;

(b) how many of them have been confirmed and how many are temporary; and

(c) the reasons for their being temporary still?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The position as on 28th February 1955 is not readily available. The position as on 31st December, 1954 is as follows:--

Class II	213
Class III	39,865
Class IV	70,730

(b)

	No. of confirmed staff	No. of temporary staff
Class II	40	Nil
Class III	30,422	9,443
Class IV	58,909	11,821

Note: 173 permanent Class III employees are officiating in Class II service.

(c) Temporary staff can be confirmed only on availability of permanent vacancies. Every effort is being made to convert as many temporary posts into permanent as possible, but some of the posts will have to continue as temporary in view of the nature of the work involved.

EXTENSION TRAINING CENTRES

723. **Shrimati Jayashri:** Will the Minister of **Food and Agriculture** be pleased to lay a statement on the Table of the House showing:

(a) the number of Extension Training Centres opened so far;

(b) the number of trainees (men and women, separately) among them;

(c) the arrangements made for providing employment to the women trainees; and

(d) work kind of work will be available for these trained women?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) to (d). A statement giving the required information is laid on the Table. [*See* Appendix X, annexure No. 29].

EARTHQUAKE SHOCKS

724. **Chaudhri Muhammed Shaffee:** Will the Minister of **Communications** be pleased to state:

(a) the number of earthquake shocks in India recorded by the Seismographs at various Observatories in India from the 1st January, 1954 to the 31st March, 1955; and

(b) the duration of these shocks?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 46.

(b) The duration of an earthquake shock is not a definite factor that can be determined uniquely for each shock. The duration of these 46 shocks varied considerably from place to place, the duration near the epicentre being longer than at distant places.

TELEGRAPH FACILITIES

725. **Shri Anirudha Sinha:** Will the Minister of **Communications** be pleased to state:

(a) the number of Post Offices which have been provided with Telegraph facilities during the year 1954 in the State of Bihar; and

(b) the number of Post Offices in that State which are to be provided with Telegraph facilities during 1955?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 43.

(b) About 50.

PRINTING OF FORMS ON RAILWAYS

726. **Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) how many kinds of forms and receipts made use of by the Railway authorities have been printed in Hindi and the regional languages; and

(b) how many such forms and receipts are still printed only in English?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 45.

(b) About 16,000.

SUGAR PRODUCTION

727. { **Shri D. C. Sharma:** / **Dr. J. N. Parekh:**

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total production of sugar during the year 1954; and

(b) how far this production fell short of the requirements of the country?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) 10·01 lakh tons during 1953-54 season (from 1st November, 1953 to 31st October, 1954).

(b) By about eight lakh tons.

LABOUR WELFARE

728. **Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to state the total amount spent on labour welfare during 1954-55 in so far as the Central Government is concerned?

The Deputy Minister of Labour (Shri Abid Ali): Information is being collected and will be placed on the Table of the Sabha in due course.

NEW RAILWAY LINES

729. **Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state the nature of the schemes, if any, that have been sent by the Punjab Government for the construction of new railway lines in the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): It is not usual to disclose the nature of the proposals received from State Governments in this connection.

TUBE-WELLS

730. **Shri D. C. Sharma:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total number of tube-wells sunk in Punjab State during the year 1954-55 under the T.C.M. and G.M.F. Programmes?

(b) the total amount allotted for this purpose; and

(c) the amount actually spent on these Programmes?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Total number of tube-wells drilled is 515 (250 upto 28th February, 1955 under T.C.M. Programme and 265 upto the end of December, 1954 under G.M.F. Programme).

(b) The total amount sanctioned by the Government of India as loan to the State Government for the purpose was Rs. 120·18 lakhs (Rs. 82·68 lakhs for T.C.M. Programmes and Rs. 37·5 lakhs for G.M.F. Programme).

(c) The information regarding the amount actually spent is not available.

POSTAL SERVICES IN PUNJAB

731. **Shri D. C. Sharma:** Will the Minister of **Communications** be pleased to state:

(a) the number of post offices, telegraph offices, combined posts and telegraphs offices and telephone offices proposed to be opened during the year 1955-56 in Punjab; and

(b) the names of the places where they will be opened?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The details are being collected.

TEA GARDEN LABOURERS

732. **Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to state:

(a) the total number of workers in the tea gardens during 1954-55 in the various regions;

(b) the names of the regions in which the construction of hospitals is in hand;

(c) the names of the regions which have hospitals of their own; and

(d) the names of the regions for which the construction of hospitals is at the proposal stage?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (d). A statement giving the available information is attached. [*See* Appendix X, annexure No. 30]

LAND UTILISATION AND SOIL CONSERVATION BOARDS

733. **Shri S. C. Samanta:**
Shri Ram Shankar Lal:

Will the Minister of **Food and Agriculture** be pleased to state whether Land Utilisation and Soil Conservation Boards have been established in all the States?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): A Statement is laid on the Table of Sabha. [*See* Appendix X, annexure No. 31].

SOIL CONSERVATION

734. **Shri S. C. Samanta:**
Shri Ram Shankar Lal:

Will the Minister of **Food and Agriculture** be pleased to state whether soil conservation is included in the curricula of agricultural and other schools and colleges?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): Generally, Soil Conservation is not included in the curricula of agricultural and other schools and colleges. Instruction regarding Soil Conservation is given to the students of Agricultural Colleges under "Agronomy and Soil management", and is, therefore, restricted to agricultural aspects of soil conservation.

INTERNATIONAL HOTEL ASSOCIATION

735. **Shri D. C. Sharma:**
Thakur Lakshman Singh Charak:

Will the Minister of **Transport** be pleased to lay on the Table of the House a statement showing the main decisions arrived at in the Convention of the representatives of the International Hotel Association held in Delhi in February, 1955?

The Deputy Minister of Railways and Transport (Shri Alagesan): The Convention of the representatives of the International Hotel Association was held in Delhi in February, 1955, at the invitation of the All India Hotel Federation. While the Government of India are not aware of the decisions arrived at, a copy of the Resolutions adopted by the convention has been received from the Federation and is herewith attached. [*See* Appendix X, annexure No. 32.]

MEDICAL GRADUATES

736. **Shri T. B. Vittal Rao**: Will the Minister of **Health** be pleased to state:

(a) the estimated number of unemployed medical graduates in the country at the end of the First Five Year Plan period;

(b) their State-wise distribution; and

(c) the details of the schemes, if any, that Government have, to utilise the services of these medical graduates?

The Minister of Health (Rajkumari Amrit Kaur): (a) Government have no information regarding the estimated number of unemployed medical graduates in the country at the end of the First Five Year Plan period.

(b) and (c). Do not arise.

EXPORT OF MONKEYS

737. **Shri Raghunath Singh:**
Dr. Ram Subhag Singh:
Dr. Satyawadi:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a deputation of British Animal Protection Society requested the Government of India on the 3rd February, 1955 not to export monkeys out of India; and

(b) if so, the decision taken thereon?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) Since 11th March, 1955, export of monkeys out of India, including the State of Pondicherry, has been totally banned except with the previous sanction of the Central Government.

EXPORT OF BIRDS

738. Shri Raghunath Singh: Will the Minister of **Food and Agriculture** be pleased to state the number of birds exported in the year 1954 and in January, 1955?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): Birds exported—

1954	January, 1955.
4,71,575	1,349.

पशुओं का रक्षण

७२६. सेठ गोविन्द दास : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत के राष्ट्रपति ने २ मार्च, १९५९ को पशु प्रदर्शनी हिसार में दिये गये अपने भाषण में गोहत्या बन्द करने तथा उन अच्छी नस्ल की गायों की रक्षा करने के सम्बन्ध में सुझाव दिए थे, जिन्हें कलकत्ता ले जा कर वध कर दिया जाता है;

(ख) यदि हां, तो क्या सरकार ने इन सुझावों पर कोई कार्यवाही की है, और

(ग) यदि हां, तो इसका ब्योरा क्या है ?

खाद्य तथा कृषि उपमंत्री (श्री एम० वी० कृष्णप्पा) : (क) जी हां, गायों तथा उनकी नस्लों की रक्षा तथा सुधार के लिये।

(ख) जी हां।

(ग) लोक-सभा-पटल पर एक विवरण रखा जाता है। [**इंडियन परिशिष्ट ९०, अनुबन्ध संख्या २२**]।

PIT-HEAD BATHS

740. Dr. Ram Subhag Singh: Will the Minister of **Labour** be pleased to state :

(a) the number of pit-head baths which have so far been constructed in (i) State-owned and (ii) private collieries in Bihar and West Bengal; and

(b) whether any of them is used by the coal miners?

The Deputy Minister of Labour (Shri Abid Ali): (a)

Bihar		*West-Bengal*
State-owned.	Private collieries	Private collieries
8	64	44

There is no state owned colliery in West Bengal.

(b) Generally speaking, these baths are in use, though their popularity varies greatly from place to place and there is considerable room for improvement in the facilities available.

PANCHRUKHI STATION

741. Shri Bheekha Bhai: Will the Minister of **Railways** be pleased to state:

(a) whether Government propose to declare Panchrukhi, between Palampur and Paprola Baijnath on Pathankot—Jogindernagar section of the Northern Railway as a Halting Station;

(b) whether Government have received any representation in this regard; and

(c) if so, the action taken thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (c). The matter is under examination.

(b) Yes.

SCHEDULED TRIBES IN TRIPURA

742. Shri Biren Dutt: Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to

unstarred question No. 581 on the 22nd December, 1953, and state:

(a) whether any more cases of such requisitions of land in Uttar Palinpara in Tripura have recently taken place; and

(b) if so, what steps Government propose to take to help the Scheduled Tribes in Tripura?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) No.

(b) Does not arise.

PASSENGER AMENITIES

743. Thakur Jugal Kishore Sinha: Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that due to the over filling of the overhead water tanks of the trains very often the passengers of compartments get drenched; and

(b) if so, what steps are being taken to stop it?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Such instances are very rare, and when these do occur the staff at fault are suitably dealt with.

WORKING HOURS OF RAILWAY EMPLOYEES

744. Shri Ganpati Ram: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the total duty period of workers of the Carriage and Wagon Shops on the Western Railway employed in three shifts cyclic duty exceeds 48 hours in two weeks out of every three weeks as per roster of duty in force;

(b) if so, whether these workers are being paid over-time allowance for the hours in excess of 48 hours in a week; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). The information has been called for from the Western Railway Administration and a reply to this question will be laid on the Table of the House, as soon as the information is received from the Western Railway Administration.

RAILWAY EMPLOYEES

745. Pandit D. N. Tiwary: Will the Minister of **Railways** be pleased to state whether it is a fact that clerks from other offices of Railways are being called to act as Assistants in Railway Board while similar facility is denied to the Railway Board's clerks for promotion in other offices?

The Deputy Minister of Railways and Transport (Shri Alagesan): Yes. As the number of clerks in the Railway Board's office suitable for promotion is inadequate, it is proposed to hold an examination to select suitable clerks from Railways for promotion. No clerk in the office of the Railway Board has requested for transfer to a Railway.

ग्रामीण क्षेत्रों के लिये स्वच्छ जल का दिया जाना

७४६. श्री भक्त दर्शन : क्या स्वास्थ्य मंत्री ७ सितम्बर, १९५४ को दिये गये तारांकित प्रश्न संख्या ५६५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगी कि :

(क) क्या तब से उत्तर प्रदेश सरकार की ग्रामीण क्षेत्रों में नल द्वारा पानी पहुंचाने की योजना स्वीकार कर ली गई हैं ; और

(ख) यदि हां, तो उसका ब्योरा क्या है ?

स्वास्थ्य मंत्री (राज कुमारी अमृत कौर): ..

(क) जी हां।

(ख) इसका ब्योरा इस प्रकार है :-

योजना का नाम	योजन का रूप	अनुमानित कीमत (लाखों में) रुपये	स्वीकृत कोष (लाखों में) रुपये
ग्रामीण			
१. सिंचाई सम्बन्धित नलकूपों के पास वाले छोटे-छोटे गांव।			
२. सिंचाई सम्बन्धित नल कूपों के पास बड़े-बड़े गांव।	जल सम्भरण	१७२.०	८६.०
३. स्वतन्त्र जलाशयों वाले बड़े-बड़े गांव।			

Co-operative Societies

747. Thakur Jugal Kishore Sinha: Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 90 on the 16th November, 1954 and state:

(a) the purpose for which Pass and Privilege Ticket Order facilities are granted to the employees of the Co-operative Societies of Railway employees; and

(b) whether passes are issued for the periodical purchase of goods by the Co-operative Societies from the whole-salers of the nearest big markets?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Passes and Privilege Ticket Orders are issued to the employees of the Co-operative Societies as an *ex-gratia* measure, in view of the fact that the activities of these societies aim at the promotion of welfare of Railway staff.

(b) No.

Maternity and Child Welfare Centres

748. Thakur Jugal Kishore Sinha: Will the Minister of **Health** be pleased to state:

(a) the names of the places where maternity and Child Welfare Centres will be located in Bihar State; and

(b) how many of them have started functioning and from when?

The Minister of Health (Rajkumari Amrit Kaur): (a) The Government of India have agreed to give financial assistance to the Government of Bihar for the establishment of ten Maternity and Child Welfare Centres in that State under the Central Scheme for the establishment of Maternity and Child Welfare Centres in the Backward Areas of States. The location of these Centres will be decided by the State Government.

(b) No Centre under this Scheme has started functioning in Bihar as yet.

Overcrowding in Trains

749. Pandit M. B. Bhargava: Will the Minister of **Railways** be pleased to state:

(a) whether the Railway Board has received any representation on the 28th February, 1955 regarding overcrowding and inadequate train ser-

vices on the Western Railway between Delhi and Ahmedabad;

(b) if so, whether the proposals contained therein have been examined; and

(c) the steps, if any, proposed to be taken in this regard?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The proposals made are under examination.

(c) Remedial measures, where considered necessary and to the extent feasible, will be taken on the completion of the examination of the proposals.

SPORTSMEN IN RAILWAYS

750. Shri M. S. Gurupadaswamy: Will the Minister of **Railways** be pleased to state:

(a) whether there is any provision for the appointment of some professional sportsmen for coaching purposes with the different Railways;

(b) if so, the number employed on each of the Zonal Railways as on the 31st March, 1955;

(c) whether it is a fact that the Northern Railway violated the rules of recruitment last year, by appointing certain sportsmen on higher emoluments; and

(d) if so, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

(c) No. The General Managers have powers to appoint candidates on emoluments higher than the minimum of the time scale where they consider this justified on the basis of the qualifications and experience of the candidates.

(d) Does not arise.

PORT AT PARADIP (ORISSA)

751. Shri Sarangadhar Das: Will the Minister of **Transport** be pleased to state:

(a) how far the survey work for the opening a new port at Paradip in the mouth of the river Mahanadi in Cuttack district. (Orissa) has progressed;

(b) the target date by which the survey work is expected to be completed; and

(c) the estimated expenditure for this work, and the amount spent so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Hydrographic Survey of the outer side of the mouth of the Mahanadi was completed by the Indian Navy in 1952. The survey of the mouth of the Mahanadi by the Central Water and Power Commission and Model experiments for the sitting of a port at Paradip by the Central Water and Power Research Station at Poona are still in progress.

(b) The surveys are expected to be completed in 1957.

(c) The total estimated expenditure on the surveys is about Rs. 18 lakhs, of which the amount spent so far is about Rs. 7 lakhs.

TANNING OF HIDES AND SKINS

752. Dr. Satyawadi: Will the Minister of **Food and Agriculture** be pleased to refer to the answer given to starred question No. 675 on the 10th March, 1955 regarding tanning of hides and skins and state:

(a) whether the training facilities at the Training Centre of hide flaying etc. at Lucknow are also provided for candidates from the States other than U.P., and

(b) if so, number of persons so far trained from the States other than U.P., State-wise?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) and (b). The required information is being collected and will be placed on the Table of the Sabha.

JAPANESE METHOD OF RICE CULTIVATION

753. Shri N. Rachiah: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total acreage of land brought under the Japanese Method of Rice Cultivation in Mysore State during 1954-55;

(b) the average rate of increase in the yield under the new method of cultivation; and

(c) the extent of land proposed to be brought under this method during the current year?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) 90,173 acres.

(b) 1302 lbs. per acre.

(c) One lakh acres.

RAILWAY QUARTERS

754. Shri B. D. Shastri: Will the Minister of **Railways** be pleased to state whether it is a fact that two units of Mitra "A" type quarters built only in February-March 1954 at Iradatganj of Itarsi-Allahabad Section of the Central Railway have not been occupied by the Railway Staff, as they require repairs and are leaking heavily?

The Deputy Minister of Railways and Transport (Shri Alagesan): No. After necessary repairs one quarter has already been occupied. The other one has been allotted and will be occupied.

X-RAY

755. Dr. Rama Rao: Will the Minister of **Health** be pleased to state:

(a) whether the X-ray examinations in respect of patients sent by private practitioners are undertaken in hospitals under Government such as the Wellingdon Hospital on payment of fee; and

(b) if not, the reasons therefor?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Does not arise.

JOB ANALYSIS

756. Shri K. C. Sodhia: Will the Minister of **Railways** be pleased to state:

(a) the machinery employed for job analysis on Railways on the basis of which additional staff is employed;

(b) whether this machinery is different on different Railways; and

(c) the nature of over-all control that the Railway Board exercises on this machinery?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No special machinery exists on Railways.

(c) Does not arise.

RICE STOCK

757. Shri K. C. Sodhia: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total quantity of rice disposed of from the Central Government's stock during 1954-55;

(b) the total loss, if any, incurred on the sales effected during the above period; and

(c) the total number of officers employed to supervise the stocks of rice?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) About 123,000 tons.

(b) Rs. 15,84,733/-.

(c) 7,759 are employed (Gazetted and non-Gazetted) to supervise all foodgrains.

बनारस छावनी स्टेशन पर जमीन के अन्दर से जाने वाला मार्ग

७५८. **श्री रूप नारायण:** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या बनारस छावनी स्टेशन पर जमीन के अन्दर से जाने वाला मार्ग बनाने का कोई प्रस्ताव है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): ऐसा कोई विचार नहीं है ।

राजा तालाब स्टेशन

७५९. **श्री रूप नारायण :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) पूर्वोत्तर रेलवे के राजा तालाब नामक स्टेशन पर बिजली की व्यवस्था करने में प्रति मास कितना औसत व्यय होता है ;

(ख) इस स्टेशन से प्रति मास कितनी औसत आय होती है ;

(ग) प्रति मास औसतन कितनी राशि के टिकट बिकते हैं ;

(घ) प्रति रात्रि औसतन कितने यात्री इस स्टेशन का उपयोग करते हैं; और

(ङ) इस छोटे से ग्रामीण स्टेशन पर बिजली की व्यवस्था करने में अत्यधिक व्यय करने की क्या आवश्यकता थी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन):

(क) ६५४ रुपये ।

(ख) २,०५० रुपये ।

(ग) १,६७६ रुपये ।

(घ) लगभग ३८ प्रति दिन ।

(ङ) राजा तालाब स्टेशन पर इंजनों को पानी दिया जाता है । यहां पम्प से पानी खींचने के लिये पहले आमतौर पर आठ आदमी (Pump-men) रखे जाते थे । १९५४ में पिछले कुम्भ मेले के समय जब बड़ी संख्या में गाड़ियां चलने वाली थीं, इंजनों के लिये बहुत अधिक पानी की जरूरत महसूस हुई । यह समझा गया कि हथ-पम्पों से अधिक पानी निकालने के लिये अधिक आदमियों को काम पर लगाने के बजाय इस स्टेशन पर पानी की जरूरतों को पूरा करने के लिये बिजली का पम्प लगाना अधिक सुविधाजनक होगा और इस पर खर्च भी कम होगा । चूंकि बिजली मिल रही थी, इस स्टेशन पर बिजली की बत्तियां और पंखे भी लगा दिये गये, ताकि कुम्भ मेले के अवसर पर इस स्टेशन से भारी संख्या में गुजरने वाले यात्रियों को आराम दिया जा सके ।

यात्रियों को आराम देने के विचार से मेले के बाद भी इस स्टेशन पर बिजली का प्रबन्ध रहने दिया गया है ।

TUBE-WELL SCHEMES IN MADRAS

760. Shri Balakrishnan: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Central Government have requested the Madras Government to abandon the tube-well scheme in that State; and

(b) if so, the reasons therefor?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) No.

(b) Does not arise.

TELEPHONE EXCHANGE AT PALNI

761. Shri Balakrishnan: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a Telephone Exchange was not installed in the Palni Telegraph Office due to paucity of accommodation there; and

(b) whether it is now proposed to shift the Telegraph Office to a suitable building in the near future so as to provide a Telephone Exchange there?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). There has been no proposal to instal the new exchange in Palni telegraph office. The exchange will be accommodated in some other rented building. There is also no proposal at present to shift the telegraph office.

POSTAL INSPECTORS

762. Shrimati Renu Chakravartty: Will the Minister of **Communications** be pleased to state:

(a) the period of service in the cadres of Inspectors of Post Offices and R.M.S. needed to qualify for the appointment in the cadre of Superintendents of Post Offices and R.M.S., Class II;

(b) whether any departures have been made in this regard; and

(c) if so, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Five Years' continuous service in the grade of Inspectors of Post Offices or R.M.S. followed by confirmation in that grade.

(b) Yes.

(c) An officiating Inspector of R.M.S. who had over five years' continuous service in that grade but had not yet been confirmed was recommended by the Head of a Circle for selection, along with others to Postal Superintendents' Service, Class II in 1954 and he was selected along with others on the advice of a regularly constituted Departmental Promotion Committee, and specially placed on the approved list, as he was the only Scheduled Caste/Scheduled Tribe eligible official.

GAZETTED OFFICERS OF P. & T. DEPARTMENT

763. Shrimati Renu Chakravartty: Will the Minister of **Communications** be pleased to state:

(a) the maximum period for which Gazetted Officers in the Posts and Telegraphs Department are posted for service at one station; and

(b) the circumstances under which extensions for stay at a particular station are allowed to them?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Ordinarily, for a period of four years when there are more than one post at different stations in the cadres to which they belong.

(b) Extensions are given in the interest of administration, or when it is considered that transfer of an officer at a certain time will cause hardship to him, especially in regard to education of his children.

EMPLOYEES OF FORMER AIR INDIA LTD.

764. Shri Tushar Chatterjea: Will the Minister of **Communications** be pleased to state:

(a) whether Government are aware that the Indian Air Lines Corporation has by a Resolution decided to grant an *ad-hoc* increment with effect from the 1st August, 1953 to the employees of the former Air India Ltd., whose increments fell due between October, 1952 and July, 1953; and

(b) if so, whether the said decision has been implemented?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The Indian Airlines Corporation at its Seventh Meeting held on 14th April, 1954, decided that each ex-employee of Messrs. Air India Ltd., who would have, but for the general ban on accrual of increments, earned an increment on a date between the 1st October, 1952 and the 31st July, 1953, be allowed an *ad-hoc* increment with effect from the 1st August, 1953, with future increments thereafter accruing on the 1st of August each year.

(b) The above decision was implemented on the 17th January, 1955.

TRADE UNIONS OF EMPLOYEES OF AIR CORPORATIONS

765. Shri Tushar Chatterjea: Will the Minister of **Communications** be pleased to state:

(a) whether there are any recognised Trade Unions of the employees of the Indian Airlines and Air India International Corporations; and

(b) if so, their names and membership?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). (i) The Air India International Corporation have recognised the following unions:

1. Indian Pilots' Guild,
2. All India Air Lines Radio Officers' Association,
3. Licensed Ground Engineers' Association,
4. Union of Air India International's Workers,
5. Flight Engineers' Association.

The lists of membership of the various unions are not available with the Corporation as they have not been filed with the Corporation by the respective unions.

(ii) The Indian Airlines Corporation have not recognised any union so far but the staff of the Indian Airlines Corporation have formed the following unions and their representatives are, however, called for discussion at meetings when necessary:

1. The Air Corporations Employees Union,
2. The Indian Airlines Pilots' Association,
3. The Indian Airlines Corporation Engineers' Association, and
4. The All India Radio Officers' Association.

Rice Stocks in Madras

766. **Shri I. Eacharan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the stock of rice lying with private agencies in Madras State at present, which has been imported on Government account;

(b) the proposals for its disposal; and

(c) the amount of loss likely to be incurred on this account?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) 10764 tons in terms of rice. (This quantity includes the stocks held by the Producer-*cum*-Consumer Co-operative Societies in Malabar on credit basis.)

(b) The stocks are being taken over by the Centre for Central Reserve. Such of the stocks which cannot bear further storage will be disposed of by calling tenders.

(c) No loss will be incurred owing to the stocks having been held by private agencies. There is, however, likely to be some loss due to fall in prices, but the extent of this loss cannot be indicated at this stage.

रेल मार्ग

७६७. **श्री आर० एन० सिंह :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बनारस छपरा शाखा पर पुरानी रेल की पटरियों को बदलने के लिये जो नई पटरियां स्टेशनों पर रखी जा रही थीं, अब हटाई जा रही हैं ;

(ख) क्या यह सच है कि वे पटरियां उठा कर दरभंगा भेज दी जायेंगी ; और

(ग) यदि हां, तो इसके कारण क्या हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी नहीं ।

(ख) और (ग). प्रश्न उत्पन्न नहीं होते हैं ।

गाइडेड इंजीनियरिंग संस्थायें

७६८. **श्री अमर सिंह डामर :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) गाइडेड इंजीनियरिंग की संस्थायें भारत में कहां कहां हैं ,

(ख) इनमें से प्रत्येक संस्था में अब तक कितने विद्यार्थियों ने शिक्षा पाई हैं ।

(ग) १९५४ में प्रत्येक संस्था में विद्यार्थियों की संख्या कितनी थी ; और

(घ) प्रत्येक संस्था में आज कल कितने अध्यापक हैं ?

संचार उपमंत्री (श्री राज बहादुर): (क) से (घ). सूचना, जहां तक ज्ञात की जा सकी है, इस प्रकार है :—

क्रम संख्या	विद्यालय का नाम	प्रशिक्षणार्थियों की संख्या जिन्हें २८-२-५५ तक प्रशिक्षण दिया गया	१९५४ में प्रशिक्षणार्थियों की संख्या	अनुज्ञप्ति प्राप्त शिक्षकों की संख्या	अभिवचन
(१)	(२)	(३)	(४)	(५)	(६)
१.	असैनिक उड्डयन प्रशिक्षण केन्द्र, इलाहाबाद ।	३९	३६	३	—
२.	वायु प्रोद्यौगिक प्रशिक्षण संस्था, कलकत्ता ।	*२५	२०	२ अनुज्ञप्ति प्राप्त पूरे समय के लिये प्रशिक्षक तथा २ अल्पकाल के लिये बाहर से बुलाये गये प्रशिक्षक ।	*इनके अतिरिक्त १६ प्रशिक्षणार्थियों ने अनुज्ञप्ति प्राप्त करने से पूर्व "लघु पाठ्यक्रम" का प्रशिक्षण प्राप्त किया और १० अन्य प्रशिक्षणार्थियों ने अनुज्ञप्तियों को बढ़ाने के लिये प्रशिक्षण प्राप्त किया ।
३.	वैमानिकी सेवायें लिमिटेड, कलकत्ता ।	४	५	१ पूरे समय के लिये अनुज्ञप्ति प्राप्त प्रशिक्षक तथा ५ अल्पकाल के लिये बाहर से बुलवाये गये प्रशिक्षक ।	

(१)	(२)	(३)	(४)	(५)	(६)
४.	मद्रास उड़ान गोष्ठी लिमिटेड, मद्रास ।	२३	१६	२	ये संस्थायें वास्तव में प्रासंगिक रूप से उड़ान का प्रशिक्षण देने के लिये हैं; ये कुछ प्रशिक्षणार्थियों को धरातलीय अभियांत्रिकी के प्रशिक्षण के लिये भी लेती हैं ।
५.	हिन्द प्रान्तीय उड़ान गोष्ठी लिमिटेड, लखनऊ ।	१८	२२	५	
६.	सरकारी उड़ान प्रशिक्षण विद्यालय, बंगलौर ।	६	—	२	
७.	दिल्ली उड़ान गोष्ठी लिमिटेड, दिल्ली ।	५०	७	२	
८.	बम्बई उड़ान गोष्ठी लिमिटेड बम्बई ।	२०	—	२	
९.	बंगाल उड़ान गोष्ठी लिमिटेड, बैरकपुर ।	१८	८	२	
१०.	मध्य प्रदेश उड़ान गोष्ठी लिमिटेड, नागपुर ।	१	२	२	
११.	बिहार उड़ान गोष्ठी लिमिटेड, पटना ।	५	२	२	

कुनैन

७६९. **श्री अमर सिंह डामर :** क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) प्रति वर्ष भारत में कितनी कुनैन बनती हैं , और

(ख) क्या यह कुनैन आयातित कुनैन जैसी ही हैं ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) लगभग ७२,५८० पौंड ।

(ख) जी हां । दोनों का स्टैन्डर्ड ब्रिटिश फार्माकोपिया में लिखे गये विवरण के मुताबिक हैं ।

काम दिलाऊ दफ्तर

७७०. **श्री अमर सिंह डामर :** क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४ में मध्य भारत के काम-दिलाऊ दफ्तरों में २०० रुपये और उससे अधिक प्रति मास की नौकरियों के लिए कितने व्यक्तियों ने नाम दर्ज कराये , और

(ख) उनमें से कितने व्यक्तियों को नौकरियां मिल गई हैं ?

श्रम उपमंत्री (श्री आबिद अली): (क) २४ ।

(ख) २ ।

Grant to Mysore State

771. Shri Shivananjappa: Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total amount granted to Mysore State under the Five Year Plan for distribution as *taccavi* loan to cultivators;

(b) the total amount of loan granted by the State authorities so far;

(c) whether the amount has been fully utilised; and

(d) if not, the reasons therefor?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The Government of India does not make any provision for *taccavi* as such under the Plan in the case of Parts 'A' and 'B' States. A portion of the loans advanced to Mysore State under the G.M.F. Plan might, however, have been utilised for distribution as *taccavi*.

(b) The Government of India have no information as the provision of *taccavi* loans is the responsibility of the State Government.

(c) and (d). Do not arise.

रेलवे कर्मचारी

३७२. **श्री अमर सिंह डामर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) पश्चिम रेलवे में पीने का पानी पिलाने के लिये आज कल कितने आदमी लगे हुए हैं ;

(ख) क्या उनकी नियुक्ति स्थायी तौर से की गई हैं अथवा किसी विशेष समय के लिये उन्हें नियुक्त किया गया हैं ; और

(ग) यदि दोनों ही तरह से नियुक्तियां की गई हैं तो प्रत्येक दशा में कितने कितने कर्मचारी हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) २१६२ ।

(ख) दोनों के लिये ।

(ग) साल में स्थायी रूप से

६६७

केवल गर्मी के मौसम के लिये

११६६

हवाई कम्पनियां

३७३. **श्री अमर सिंह डामर:** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) १६५२ से कितनी हवाई कम्पनियों को आर्थिक सहायता मिल रही थी ,

(ख) १६५२ से प्रति वर्ष इन कम्पनियों को कितनी कितनी आर्थिक सहायता दी गई । और

(ग) क्या इस प्रकार की आर्थिक सहायता देने के लिये कोई विशेष शर्तें रखी गई थीं ?

संचार उपमंत्री (श्री राज बहादुर): (क) और (ख). निम्नांकित विवरण आर्थिक सहायता (पेट्रोल के उपभोग पर आधारित) जो कि अनुसूचित वायु यातायात कम्पनियों को सन् १६५२-५३ और सन् १६५३-५४ में दी गई उसका दिग्दर्शन कराएगा । (क्रमबद्ध आंकड़े उपलब्ध नहीं हैं) ।

	१६५२–५३	१६५३–५४
(१) एयर इंडिया लिमिटेड . . .	७,४१,२२७	२७,१०६
(२) एयर सरविसेज़ आफ़ इंडिया लिमिटेड . .	१,७६,२६२	१०,०५५
(३) इंडियन नेशनल एयरवेज़ लिमिटेड . .	४,५५,१५०	२६,०६८
(४) भारत एयरवेज़ लिमिटेड . .	३,७१,८००	३१,०१४
(५) एयरवेज (इंडिया) लिमिटेड . .	८,१३,२१५	१८,४००
(६) डेकन एयरवेज़ लिमिटेड .	५,४३,७३१	२२,७३१
(७) कलिंगा एयरलाइन्स .	१,६३,४१२	७,४४३

(८) एयर इंडिया इन्टरनेशनल लिमिटेड . .	७९,०६६	१,२५,४१९
(९) हिमालयन एवियेशन लिमिटेड . . .	२७,२१४	—
योग	३३,७४,०७७	२,६८,२६६*

*३१ दिसम्बर १९५२ तक की बक़ाया आर्थिक सहायता के लिये ।

नोट :---सन् १९५४-५५ में पेट्रोल सम्बन्धी आर्थिक सहायता के लिये कोई भुगतान नहीं हुआ ।

ऊपर लिखे हुए के अतिरिक्त भारत एयरवेज लिमिटेड को उसकी कलकत्ता-बंकाक-सिंगापुर मार्ग की ६ अक्टूबर, ५१ से ५ अक्टूबर, ५२ तक की सेवा के चालन में जो हानि हुई उस के लिये २ लाख रुपये जमानत के रूप में पेट्रोल के उपभोग पर आधारित आर्थिक सहायता के लिये दिये गये ।

३,१८,३२८ रुपये की रकम एयर इंडिया इन्टरनेशनल लिमिटेड को सन् १९५२ में उन के द्वारा चालन की गई सेवाओं में जो हानि हुई उसके लिये अल्पकालीन रूप से दी गई ।

(ग) वायु यातायात कम्पनियों को वित्तीय सहायता पेट्रोल के उपभोग पर आर्थिक सहायता के रूप में वायुयान की (क) भारत में एक स्थान से दूसरे स्थान की उड़ान, (ख) भारत से पाकिस्तान की उड़ान और (ग) भारत से पाकिस्तान हो कर विदेश की उड़ान के लिये दी गई थी । इस आर्थिक सहायता का हिसाब लगाने के लिये भारत और भारत का वह भाग जो विदेशियों के कब्जे में हैं उनके बीच की गई उड़ानों तथा वहां से वापिसी उड़ानों को भी भारत के बीच एक स्थान से दूसरे की उड़ान के अन्तर्गत ही समझा गया । सन् १९५२ में केवल अनुसूचित उड़ानों पर ही उपभोग किये गये पेट्रोल पर ६ आने प्रति गैलन के हिसाब से आर्थिक सहायता दी गई । आर्थिक सहायता देने की यह प्रणाली १ जनवरी, १९५३ से वायु सेवाओं के राष्ट्रीयकरण के निश्चय के कारण समाप्त कर दी गई ।

भारत एयरवेज लिमिटेड को १९५२ में कलकत्ता-सिंगापुर सेवा के चालन के लिये जो आर्थिक सहायता दी गई वह उस कम्पनी द्वारा इस सेवा के चालन में जो वास्तविक क्षति हुई उसकी पूर्ति के लिये थी । वायु यातायात परिप्रच्छा समिति ने इस समय के लिए अधिक से अधिक ४.८ लाख रुपए की सहायता देने का अभिस्ताव किया था । यदि क्षति कम हुई तो कम्पनी आवश्यक धन वापिस कर देगी ।

एयर इंडिया इन्टरनेशनल को जो जमानत के रूप में क्षति पूर्ति की रकम दी गई थी उस रकम को कम्पनी अपने भविष्य के चालन में जो लाभ होता उसके द्वारा वापिस करती ।

विमान दुर्घटनायें

७७४. **श्री अमर सिंह डामर :** क्या संचार मंत्री सभा पटल पर एक विवरण रखने की कृपा करेंगे जिसमें कि निम्नलिखित बातें दिखाई गई हों :---

(क) १९५४ में भारत से बाहर ऐसी कितनी बड़ी बड़ी दुर्घटनायें हुईं जिनमें भारतीय वायुयान अन्तर्ग्रस्त थे, और

(ख) उन दुर्घटनाओं में कितने व्यक्ति मरे तथा कुल कितनी हानि हुई ?

संचार उपमंत्री (श्री राज बहादुर): (क) और (ख). भारत से बाहर ऐसी कोई दुर्घटना नहीं हुई जिसमें भारतीय वायुयान अन्तर्ग्रस्त हुआ हो ।

करनाल केन्द्र में प्रशिक्षण

७७५. **श्री राम शरण :** क्या **खाद्य तथा कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४ में करनाल के प्रशिक्षण केन्द्र में कितने गौशाला कर्मचारियों को प्रशिक्षण दिया गया ; और

(ख) इस प्रशिक्षण के बाद उनसे कहां कहां काम लिया गया ?

खाद्य तथा कृषि उपमंत्री (श्री एम० वी० कृष्णप्पा): (क) एक वर्ष के कार्यक्रम में, जो कि दिसम्बर १९५४ में आरम्भ किया गया था, १८ विद्यार्थी प्रशिक्षण प्राप्त कर रहे हैं ।

(ख) यह प्रशिक्षण प्राप्त करने वाले कर्मचारी गौशालाओं में पहले से ही नौकर हैं और उन्हीं में प्रशिक्षण के बाद वापिस चले जायेंगे ।

New Post Office at Sarvodya-Puri

776. Shri G. L. Chaudhary: Will the Minister of **Communications** be pleased to state:

(a) the expenditure incurred on the construction of the temporary post office at Sarvodaya-Puri, at the time of *Sarvodya Sammelan;* and

(b) the income that accrued to Government through this temporary Post Office during the *Sammelan*?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No expenditure was incurred on the construction of the building which was provided on rent by the *Sammelan* authorities. Other incidental expenditure amounted to Rs. 823-9-0.

(b) Rs. 2,202-10-0.

Census of Land Holdings

777. Shri Hem Raj: Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to starred question No. 372 on the 1st September, 1954 and state the names of the States which have completed census of land holdings?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): None of the State Governments have so far completed Census of Land Holdings, wholly.

Transport Workers

778. Shri Hem Raj: Will the Minister of **Labour** be pleased to state:

(a) whether any representations have been received by Government for extending the provisions of the Provident Fund Act to transport workers; and

(b) if so, the action taken thereon?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) The matter is under consideration.

25414
Dated 09.12.2014

LOK SABHA

Tuesday, 12th April, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

11-57 A.M.

MOTION FOR ADJOURNMENT

ARREST OF DR. LOHIA AND OTHERS AT IMPHAL

Mr. Speaker: I have received notice of an adjournment motion, which is obviously inadmissible and especially so when I have more than once explained the object of an adjournment motion and the conditions on which it will be considered. However, I am mentioning that motion at the request of the hon. Member, but this is the last time that I shall be mentioning such motions.

The motion relates to the arrest of Dr. Ram Manohar Lohia and five others of the Praja Socialist Party by the police at Imphal on the 11th April, 1955. Obviously, it is a matter for the Local Administration. The hon. Member may table a question and get such information as he can, provided the question is admissible.

Shri M. S. Gurupadaswamy (Mysore): How is it inadmissible?

Mr. Speaker: Nothing now. I refuse to give consent to it and I do not want to offer any explanation over such obviously untenable motions.

Shri M. S. Gurupadaswamy: How is it untenable?

Mr. Speaker: The hon. Member may understand that there are rules and regulations governing the particular way in which the .House is expected to function. I just mentioned the motion as a matter of courtesy.

Shri M. S. Gurupadaswamy: But you were pleased to mention....

12 NOON.

Mr. Speaker: I do not propose to hear him on the merits. It is clearly a matter of every .day .administration. If a Member is arrested, than, of course, it cannot be a subject of an adjournment motion in this House. Nothing has happened which is of such proportion and of such suddenness that the House must suspend its entire business immediately and consider the particular situation. The matter is neither urgent nor of any public importance from the point of view of what the words 'public importance' mean with reference to adjournment motions. Certainly, the gentleman arrested is a well-known public worker, but that does not give the motion 'public importance' which is necessary for the purposes of an adjournment motion.

FINANCE BILL

PRESENTATION OF PETITION

Shri Tek Chand (Ambala-Simla): I beg to present a petition signed by a petitioner in respect of the Finance Bill, 1955.

COMMANDERS-IN-CHIEF (CHANGE IN DESIGNATION) BILL

The Deputy Minister of Defence (Sardar Majithia): I beg to move for leave to introduce a Bill to amend certain enactments for the purpose of changing the designation of the Commanders-in-Chief of the Armed Forces.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend certain enactments for the purpose of changing the designation of the Commanders-in-Chief of the Armed Forces".

The motion was adopted.

Sardar Majithia: I introduce the Bill.

INDUSTRIAL AND STATE FINANCIAL CORPORATIONS (AMENDMENT) BILL

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move for leave to introduce a Bill further to amend the Industrial Finance Corporation Act, 1948, and the State Financial Corporations Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Industrial Finance Corporation Act, 1948, and the State Financial Corporations Act, 1951".

The motion was adopted.

Shri A. C. Guha: I introduce* the Bill.

CONSTITUTION (FOURTH AMENDMENT) BILL—*concld.*

Mr. Speaker: The House will now resume further consideration of the Constitution (Fourth Amendment) Bill as reported by the Joint Committee. In this connection, I find that a large number of amendments to the clauses have been given notice of, and I believe the number is about 120. The time allotted for the clause-by-clause consideration is three hours. The mere reading of these amendments would take a lot of time, and therefore, the House has to consider some procedural matters as to how we should proceed in this case. After all, the amendments and the substance of the Bill relate to one subject, that is, compensation is the main important question. The proviso to rule 167 of the Rules of Procedure lays down that:

> "the Speaker may, with the unanimous concurrence of the House, put clauses or schedules together to the vote of the House in which case the result of the voting shall be taken as applicable to each clause or schedule separately and so indicated in the proceedings".

If the House is agreeable, I propose, when the motion for consideration is adopted, to put all the clauses together and hon. Members who wish their amendments to be taken into consideration will kindly hand over the numbers of their amendments to all the clauses to the Secretary at the Table within 15 minutes. That will mean in turn that the discussion on all the clauses will be common, which in turn will mean practically the continuation of the general consideration of the Bill. That will give the hon. Members three more hours for the purposes of discussing the amendments; that means discussing the Bill not quite widely or generally but with reference to the particular amendments on which they wish to talk. If the House is agreeable, we would follow this procedure.

Shri U. M. Trivedi (Chittor): May I make one submission? This, as you have remarked, is a very important

*Introduced with the recommendation of the President.

Bill, and most of us have not been able to speak on the consideration stage also. The other thing is, the amendments themselves as they stand, legally, must all be put together and all must be voted upon. In these circumstances, would it not be possible to allot a longer time than has been allotted so far? Most of us are anxious that as we have not been successful in getting an opportunity to speak during the consideration stage, we should have our say now.

The other thing is, the thirty Members of the two Houses, sitting in the Joint Committee, took six days, but the whole House is not able to devote even two full days for this Bill. This aspect must also be taken into consideration and greater time must be allotted. It is true that we did admit this: we agreed to the proposal that ten hours should be allotted, but now that difficulty has been experienced about the moving of all these amendments; would it not be possible to agree to my suggestion?

Shri K. K. Basu (Diamond Harbour): We realise that the two clauses are different: those relating to article 31(2) and 31(2A). If we adopt them in the form in which they are at present, then possibly, under 31A we may discuss it, because it is a sort of limitation to article 31(2) and a certain explanation is given which includes the operation of article 31(2A). Therefore, I would urge that at least it can be split in that way. Article 31 may be debated for some time. Otherwise, if you can have a general discussion as you said for another three hours, that will not help matters, because if you can emphasise certain points, it may be possible that we include particular clauses. The way you suggested, I am afraid, cannot help us. Of course I know the time is short.

Shri N. C. Chatterjee (Hoogly): May I suggest that clauses 2 and 3 may be separated? Otherwise there will be complete confusion and we will never be able to focus the point.

Pandit Thakur Das Bhargava (Gurgaon): So far as clause 2 is concerned, there are only two or three questions. So far as clause 3—article 31A—is concerned, there are specifically three or four points in all on which all these amendments are based. For instance, one set of amendments at least—if I mistake not—about 20 of them, are based on one point, that is, exemption. The general points or the general amendments may be put to the House and particular amendments may be selected out of the list. There may be discussion on them. Otherwise, if you will allow all the clauses to be discussed together and all the amendments to be put together, then I am afraid in the general discussion that is now suggested, no point will be appreciated and the House will not be able to follow specifically what is being discussed by each and every Member. I would, therefore, beg of you kindly to take two or three points in regard to each clause, and then let the Members concentrate upon them, so that there may be good discussion and all the points at issue may be quite clear to the Members.

Shri Tulsidas (Mehsana West): The Business Advisory Committee had agreed to 10 hours. It looks now that the time required is much more. On the general consideration of the Bill, very few Members have spoken and quite a large number of Members would like to speak. If all the clauses are taken together, that will again become a general discussion and then there must be also discussion on each clause—clause-by-clause. Otherwise, the implication of the amendments will not be understood. I would request you to please consider this question.

Mr. Speaker: Of course, as I said, I am not exercising any individual discretion of mine. Whatever I propose to do will be with the concurrence of the House. I have read the rule. But whether the discussion has been adequate or not, to my mind, cannot depend upon the number of Members who have spoken. It will

[Mr. Speaker]

depend upon the points—whether the points are covered or not. I can understand the desire of each Member or several Members to put forth their points. The difficulty is that there is a repetition of the same points over and over again. That is what generally happens or has happened in a Bill of this type. The hon. Members should remember that before the Bill went to the Joint Committee, there was a discussion for, I believe, ten hours. All the aspects were discussed at that time. Then of course the Joint Committee took time to consider the Bill, and the Bill has now come before the House. The Business Advisory Committee allotted ten hours and the House has accepted that. The only way which I thought was feasible was to take up the clauses together and I said in the beginning that, when the clauses are put together they need not be confounded. Hon. Members may make their points with special reference to their amendments and with special reference to particular clauses. But any discussion on clauses, I am afraid, will again bring in some general remarks and general observations. It will be difficult to exclude the one from the other and I do not think that the hon. Members who will be speaking will be so strictly relevant and will strictly avoid all repetitions.

Shri K. K. Basu: Parliament can ignore the irrelevancies.

Mr. Speaker: They are of course ignored but not allowed; they are not taken notice of. If we wish to put through business in a particular time, we must look to the relevancy and also see that there is no repetition of the same point over and over again. I have no idea as to what new points are to be made now over and above the general discussion. To my mind, the whole thing has been sufficiently discussed. But if the hon. Members so desire, we might have a division of the two sections instead of having a discussion on all sections and clauses together. What clauses are desired to be put together?

Shri N. C. Chatterjee: Kindly look at clause 2 sub-clause (2). Now the amendment made by the Joint Committee makes compensation practically non-justiciable and most of the amendments are seeking to have some exemption.

Mr. Speaker: Should they be linked together?

Shri N. C. Chatterjee: They should be linked together. Clause 2 and clause 3 should be put separately.

Mr. Speaker: That means that there will be three divisions. Clauses 2 and 3 will be put separately and all the other clauses together. They need no discussion. Now, about voting.

Shri N. C. Chatterjee: If you accept Pandit Thakur Das Bhargava's suggestion, the real point is whether there should be any exemption or exception in these non-justiciable cases. That is the only point on that; most of the amendments centre round it.

Mr. Speaker: What shall we do with the voting because each voting will require a division?

Shri N. C. Chatterjee: Voting may be on clause 2 and then on all the amendments put together or on certain amendments.

Pandit Thakur Das Bhargava: Amendments must be put separately. Voting should be separate on all the clauses. Each clause deals with a distinct subject.

Mr. Speaker: We shall have voting on clause 2 separately.

Pandit Thakur Das Bhargava: It should be separate on clauses 2, 3, 4 and 5 also because they are distinct in character; they deal with different subjects. I know that time will be taken but that is the only right course.

Mr. Speaker: What I was suggesting was that each of the amendments may be put separately; it may be decided by voice vote.

An Hon. Member: Yes; it may be so.

Mr. Speaker: After the amendments are disposed of, the clauses may be put together.

Shri K. K. Basu: Is it for division purposes?

Mr. Speaker: What I propose is this. Have a discussion limited to clause 2. When the discussion is finished, take up clause 3 without going to vote. Have a discussion on clause 3. All the amendments on clause 2 may be disposed of by voice vote first before taking clause 3. After clause 3 is discussed, all the amendments may be put to a voice vote. Then put all the clauses together at the end.

Pandit Thakur Das Bhargava: My humble submission is this. If you are pleased to put all the clauses together, it will be very difficult for the hon. Members to vote; it will serve as a precedent in future also. Supposing clauses 2 and 3 deal with different subjects and an hon. Member may have a different view on clause 2, it will be difficult to vote by a mere yes or no.

Mr. Speaker: If the amendments are discussed separately, pointedly and disposed of by voice vote, really speaking, it makes no difference.

Pandit Thakur Das Bhargava: But I want to vote in the affirmative on one clause.....

Mr. Speaker: I understand the theoretical possibility quite clearly. The question arises: what is the practical way out of it just to save time and not spend the time in mere divisions. The other course will be to have practically no discussion in the third reading stage and save the time of one hour for the division.

Shri V. G. Deshpande (Guna): Why should there be sanctity of time so much? We want that every amendment should be placed.

Mr. Speaker: Well, there is some sanctity of time in life.

Shri Raghavachari (Penukonda): May I submit one point? You are proposing to put all the amendments on each clause together for voting either by voice vote or otherwise and then take up clause by clause. I think there are one or two amendments proposed by the Government itself and they will have to be put separately. Otherwise, the whole matter will lead to a confusion and even their's will be washed away in the Ganga.

Mr. Speaker: I have already stated that the amendments may be put together and decided by voice vote, whether they are by the Government or by the hon. Members.

Shri Raghavachari: Separately.

Mr. Speaker: After these amendments are disposed of the question will be about taking up the clauses. In case the Government amendments are carried, the question put will be clause such and such, as amended'. That will solve the whole thing.

Shri Raghavachari: My point was that their amendments will have to be put separately even for voice vote. Otherwise, these things will get mixed up with the general batch of amendments.

Mr. Speaker: The hon. Member wants each individual amendment to be put separately. Is that the idea?

Shri Raghavachari: I mean that at least some of them will have to be put separately.

Mr. Speaker: We will do that. If it is to be decided by voice vote, it does not take much time. What about the third reading, then?

Shri S. L. Saksena (Gorakhpur Distt. North): This is a constitutional amendment. We should not depart from the normal rules when discussing it. We must give the full time necessary for discussing the amendment. The Constitution was framed after discussion and labour of several years and we should amend it only after the most thorough discussion.

Pandit Thakur Das Bhargava: My apprehension is this. If you put all the clauses together, somebody may not regard this as illegal because putting all these clauses together would tantamount to passing the motion at one stroke.

Mr. Speaker: I do not think so, the question of legality does not arise. I would not like to take more time out of what is already allotted. So, the consensus of opinion to me appears to be that clauses 2 and 3 may be put separately; clause 2 and clause 3 may be discussed separately. The amendments will be discussed with the clauses and then the amendments will be disposed of by voice vote.

Shri K. K. Basu: If we want to divide on a particular amendment, what will happen?

Mr. Speaker: You can divide; you are entitled to. If you declare at the time of voice vote that you want to have a division, then, certainly a division has to be granted. How that division will be granted is a different matter. The Chair has also got the right to refuse to give a division on the ground that it is frivolous it is possible that one or two hon. Members may say: 'I want a division'. The Chair will not be inclined to have that kind of a division. I am just visualising all the possibilities, just as theoretical possibilities are taken, of one Member voting for one clause and not for another and so on. It may not be said later that I had promised that whenever a division is asked I will give it. The division may be taken by asking Members to stand. Time can be saved in that manner. But on the essential clauses, whether as they stand or with the amendments which may be carried, there will be voting by going into the lobbies.

Shri V. G. Deshpande: I propose that the time should be extended by one hour.

Shri U. M. Trivedi: By two hours.

Mr. Speaker: The hon. Members are only considering their own points of view and their own conveniences. I have to go by the House as a whole. I have already explained as to why, to my mind, any further time is really not necessary. If the points are placed in short, I do not see why there should be any extension of time. But if the House wants, it can have it. It is for the House to decide, not for me.

Dr. Lanka Sundaram (Visakhapatnam): May I make a small submission? The best method seems to be that those of the people—and they seem to be rather limited—who want their names to be recorded for or against a particular clause, may be asked to stand up and their names may be recorded.

Mr. Speaker: That is why I stated that division can be taken by requesting the Members to stand on their seats.

Dr. Lanka Sundaram: And their names can be recorded.

Mr. Speaker: Yes, their names can be recorded. We will try to save as much time as possible. Now, let there be no further taking of time on further discussion of this.

The discussion on clause 2 with the amendments will be separately taken. Then the amendments will be disposed of by voice vote.

Shri V. G Deshpande: Together or separately?

Mr. Speaker: The hon. Member should hear first. He was perhaps engaged in speaking and missed what I said.

Clause 2 with the amendments to be taken up for discussion; amendments to be disposed of; in case voice vote is challenged, division may be granted if the Chair thinks it fit to grant a division, and the manner of division will be left to the Chair.

Then clause 3 with the amendments will be taken up. After those amendments are disposed of, then at the last voting, in view of what Pandit Thakur Das Bhargava has said, we may put such of the clauses separately as Members then desire—clauses 2 and 3. That means two divisions. And the other clauses either may be linked on with these or taken separately, which will mean three divisions.

And the third reading, after all this discussion on the amendments separately, may be curtailed, if the House is so agreeable, to about half an hour at the most.

Shri T. K. Chaudhuri (Berhampore): If you look at the amendents, you will find that a large number of the amendments have been tabled by Members of the Government Party. Why cannot the Government Party Whips be asked to see to it—of course you cannot compel them, but here we are functioning under the party system—why cannot the parties arrange this? Otherwise 120 amendments.....

Mr. Speaker: That is not a point for the Chair. They may arrange as they like. But perhaps the hon. Member may wait for some time. His objection, or suggestion, is rather premature. Let us wait for fifteen minutes and see what number of amendments are coming up. Then it will be possible to decide. Perhaps Members may speak and may not press them even to vote. That is a different matter.

But the arrangement is this. I need not repeat the whole thing again. After the consideration motion is finished and voting is taken at the proper time, or the vote is postponed in case we do not reach the end by one o'clock which does not seem to be likely, then we will take up these two clauses separately with the amendments, and the procedure which I have stated just now will be adopted. After that the other clauses will be taken up. And if it is necessary, divisions may be granted. And the third reading will be as short as possible.

Now, let there be no further expenditure of time on this discussion. I shall now call upon Mr. Venkataraman to continue his speech, and after he concludes I shall call upon the Minister to reply.

Shri Raghavachari: There is another trouble. You will further have to apportion the time clause by clause also.

Mr. Speaker: I shall do it now. There are three hours and there are three lots of clauses. Let us have one hour for each.

Shri K. K. Basu: I would suggest half an hour for one and one hour and fifteen minutes each for the other two which are the important ones.

Mr. Speaker: I do not mind anything. We can have it that way.

Shri Venkataraman (Tanjore): Yesterday, I was drawing the attention of the House the somewhat extravagant charge which my esteemed friend Shri Jaipal Singh levelled against the party in power and the Chairman of the Joint Select Committee in particular. I pointed out in the proceedings of the Joint Select Committee Shri Jaipal

[Shri Venkataraman]

Singh attended only one meeting and at that meeting the following points were decided. One, the representations received by the Government in respect of the Constitution Amendment. Though it is not the usual practice to circulate all these representations received by the Government to the Members of the Select Committee unless they were representations made to the Select Committee itself the Chairman of the meeting was good enough, much to the embarrassment of some of us who occasionally have to preside over...

Mr. Speaker: I am afraid he is referring in the House to the proceedings of the Joint Committee.

Shri Venkataraman: Shri Jaipal Singh said that in the Joint Committee the ruling party was so intransigent that he had to go and he did not participate in the proceedings. Having put that in the *Hansard* of our Debates, if it goes unchallenged I would be sorry.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): I do not want to waste the time of the House, but I am being misquoted and misrepresented. If you look at the *Hansard*, you will find that what I said was that I went to my constituents to seek their mandate. It was obvious, whether it was inside the first day's session or outside, it was clear what my friends had in their mind. I went to seek the mandate of my constituents and came back.

Shri Venkataraman: My friend Shri Jaipal Singh has not pressed the charge and I am very glad to pass over it.

The second point which I want to draw the attention of the House to is the very critical language used both by Shri N. C. Chatterjee and Pandit Thakur Das Bhargava. It looked as if Pandit Thakur Das Bhargava was looking into the whole dictionary of English and picking out words of abuse to characterise this piece of legislation. He said it is drastic, despotic, tyrannical and so on. You are aware that when this Bill was taken into consideration for reference to the Joint Select Committee it was pointed out by me as well as by a number of other speakers that the intention of the framers of the Constitution was that any compensation fixed or the principles settled should not be called in question in any court. That was the intention. But unfortunately the decisions of the Supreme Court made it justiciable.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Now, on the basis of the decisions of the Supreme Court both yourself, Sir, and Shri N. C. Chatterjee wanted to say that it was the intention of the framers of the Constitution that the quantum of compensation was justiciable. The very fathers of the Constitution have stated before this House that it was not their intention. What is it that this House wants and what is it that the country wants? Do they want to stand by a snap decision of the Supreme Court in Bella Banerjee's case or by the well-expressed intentions of the Constituent Assembly?

Shri U. M. Trivedi: What words did the hon. Member use?

Shri Venkataraman: I said "snap decision".

Shri N. C. Chatterjee: The hon. Member says that it was a snap decision of the Supreme Court. Is that language permissible regarding a decision of the Supreme Court.

Shri Venkataraman: I am well aware of the privileges. A legislature can criticise the decisions of a High Court.

Shri N. C. Chatterjee: I do not think the hon. Member has the privilege to say it.

Mr. Chairman: I was not attentive. Will the hon. Member kindly repeat what he said?

Shri Venkataraman: I said: The country wants to stand by the intentions well expressed by the framers of the Constitution and the Constituent Assembly and not by a snap decision of the Supreme Court expressed in Bella Banerjee's case.

Mr. Chairman: What is the objection?

Shri N. C. Chatterjee: I do maintain that "snap decision of the Supreme Court" is a language which ought not to be used in respect of the highest Court.

Mr. Chairman: No language which is derogatory to the Supreme Court can be used on any side of this House. But at the same time I maintain that so far as the decision of the Supreme Court is concerned, after they had delivered it, every hon. Member in this House or outside also can criticise it.

Shri U. M. Trivedi: We can all criticise the decisions of any Court including the Supreme Court. But with great respect I submit that we cannot call the decision of the Supreme Court a snap decision. The objection is to the word 'snap' that is being used.

Mr. Chairman: The hon. Member who is speaking is a lawyer himself and there is no question of his being intentionally disrespectful to the Supreme Court.

Shri Venkataraman: That is only to show that it is a stray decision expressed in Bela Banerjee's case which, even according to my friend Mr. Chatterjee, was—I forget the exact language—but Mr. Chatterjee himself said that in that case the Judges went too far.

Where is the so-called abrogation of the rights of the judiciary Mr. Chatterjee was expatiating on the great change which we are making. On the contrary, the Bill as vetted by the Joint Committee only clarifies the intentions of the framers of the Constitution. There are also some speeches on this side of the House simply saying that the Constitution amendment makes a great improvement and makes a great progress. I do not make any such tall claims because the intention was expressed even at the time of the framing of the Constitution and it has been repeated now. What is now being done under clause 2 of the Bill is merely to carry out that intention and make it clear, specific and beyond doubt.

A very interesting suggestion was made—I should say it is somewhat unprecedented—by my friend Mr. Chatterjee. He said that any law passed by a State Legislature should be placed before Parliament before the assent of the President is sought. You know that in a federal Constitution the powers of the State and the Centre are all specified. I will read out:

> "The State Legislature under our Constitution is not a delegate of the Union Parliament. Both Legislatures derive their powers from the Constitution. Within its appointed sphere, the State Legislature has plenary powers."

Therefore, it is within the competence of the State Legislature to pass any law. It would really be an abrogation of the rights of the State Legislature if we say that the legislation passed by the State Legislature should be placed before the House of Parliament and then only it can be placed before the President for assent. That cannot be done by this House unless it is also ratified by the State Legislatures themselves.

Mr. Chairman: Order, order. I will request the hon. Member to be kindly as brief as possible. I now propose to call the hon. Minister to speak and then I will have the division.

The Minister of Home Affairs (Pandit G. B. Pant): It is a matter of some regret to me that in spite of the illuminating and comprehensive speech made by the Prime Minister, doubts about the propriety of this amendment made by the Joint Committee still continue to linger. It appears that there is still some misunderstanding about the exact import or the significance of the amendments made by the Joint Committee and also about the amended clauses as they stand.

I should like just to state at the outset that they do not abrogate any of the Fundamental Rights. They are not affected by the Bill as it was originally introduced and are not in any way disturbed by the amendments that have since been made. It is also clear that the right of private property has not been abolished by this amended Bill nor have the Courts been completely deprived of jurisdiction. Still justiciability remains and in suitable cases relief can be obtained.

There is no apprehension of any confiscation or expropriation so far as this Bill is concerned. It in fact makes a provision just to the contrary. It lays down that no property will be acquired for public purpose except on payment of compensation. That is not expropriation. That is rather safeguarding the rights of the property-owners to the extent that they will get compensation for their property. If there is anything, the scope of expropriation—if one might call it so—has been restricted by the amendments that have been made by the Joint Committee.

Hon. Members might be aware that article 3 of the amended Bill contained a number of items which were intended to be taken out of the abrogation granted by sub-clause (2) of article 31. Many of these have not been deleted and with the original clause, it would have been possible to argue that agricultural holdings could perhaps be acquired without any compensation being paid or that undertakings could be transferred without any question of compensation being validly raised in any tribunal or that ceilings could be prescribed. There is this advantage that the ceiling mark could be taken without bothering about compensation.

But, all these items have now been taken out with the result that where in certain cases acquisition could have been done with or without any payment of compensation, those items of property cannot now be acquired without compensation being paid for their acquisition. So, to that extent, it safeguards the right of compensation, even further than the original Bill did. It, however, makes clear the intention of the authors and to that extent, relieves the courts of the embarrassing duty to interpret the laws contrary to their own sentiments because of the anomalous ambiguity of the language. It tries to make the language precise and clear. While compensation should be paid wherever property is acquired, the courts can be approached only when the compensation is almost illusory or when there has been a fraud on the Constitution.

But, we must clearly understand the scope of this clause. It does not apply to the acquisition of a small bit of property for administrative purposes. It would not apply to the acquisition of any piece of land in Delhi, say for building an office for the Speaker. It would apply only to cases which come within the compass of what the Prime Minister has called "social engineering". It is admitted by all including Shri N. C. Chatterjee that in such cases we cannot pay adequate compensation.

In fact, he himself realises the difficulty that has been caused by the Bella Banerjee's case. He thought, and I think he agrees with me even now, that some amendment of this clause had become inevitable and unavoidable. He also would be glad to make an amendment which would not allow the courts to interfere on the ground that the compensation paid did not amount to the equivalent of the property. For, he fully realises that if such were the conditions, no property could be acquired for social purposes. So, an amendment had to be made. I venture to submit that that need having been appreciated, no other words could have been devised. The only thing that the law now lays down is that although compensation will be paid the courts will not enter into the question of its adequacy or inadequacy.

There is another point which has to be borne in mind. The executive have no authority. The executive cannot issue any ordinance or any writ for the acquisition of any property. All that can be done under the law is that a legislature can pass a law. So, the authority is vested in the legislature and not in the executive. Wherever you have a scheme of social reform of prodigious proportions, the only constituted body which can take into account all the relevant factors is the legislature. The court can determine the issue whether the worth of the property is equivalent to the market value or not. But it cannot take into account the various international and national factors which have to be taken into consideration in determining the quantum of compensation or the principles which should determine the amount of compensation, because it can only base its conclusions on proved facts.

These facts cannot be proved in the same manner in which ordinary facts are established in courts. There is no yardstick. You have sometimes to take into account international factors. Developments in China may necessitate a certain course of action in this country and then we have to determine what compensation we should pay. It is impossible for any court to assess the exact reaction of the action taken in China in the court. It is beyond their purview. So, when we have to deal with matters of this kind, we have to take into account the purpose for which the property is acquired and it must be a purpose which would serve not the interests of one individual or two but the interests of the community as such or of a large section of it. You have also to take into account the history of the property. The large numbers of people from whom the property is acquired or those who are directly or indirectly affected by such acquisition have also to be taken into account. It has sometimes been observed that the compensation that may be prescribed may be altogether illusory or unreal. Hon. Members seem to suspect their own capacity, intention or determination to do the right thing. If they are determined to do so and to adopt the principle of fairness and justice with due regard to the circumstances in which a decision has to be taken, I do not see why they should not have faith in their own judgment. The collective wisdom of Parliament must be, in such cases, deemed to be equal to the task which Parliament will have to perform.

It is also said that small holders should get full compensation. I do not know how far this demand of the Communist Party can be said to be consistent with their suggestion that only clause (1) should be maintained and the rest should be deleted. If that be their position, that compensation should be provided at least in some cases, the provision can be only of the nature that finds place in the Bill. Otherwise, if you retain clause (1) only, the smallest of the small fry may not get anything whatsoever The Legislature is not interested in giving wanton offence to large numbers of people on whose support it

[Pandit G. B. Pant]

stands. Naturally, whenever such questions come before the legislature, it will fully weigh the consequences and take such decision as will be in the best interests of the nation and the community.

It must also be borne in mind that what is being done, or what is being suggested is no more than what the authors of the Constitution intended from the outset. Once it is granted that the proposition laid down in Bella Banerjee's case that full compensation should be paid will put a woeful and lamentable stop to all processes of social reform, then, an amendment of clause (2) of article 31 becomes inevitable and unavoidable. In these circumstances, I think the best that can possibly be done has been done.

It had been suggested in the course of some of the speeches that Parliament can be trusted, but not the State Legislatures. Well, the State Legislatures have to bear the brunt of the most embarrassing part of the administration. They have to maintain law and order. They have also to work for the development of their respective States. All acquisition is to be made for purposes of essential developments. In the circumstances to think that they will be less mindful of the interests of the various classes is not very fair to them. The State Legislatures have done their part, I think, well. And in spite of the fact that under article 31A it was open to them not to give any compensation for abolition of zamindari, they have gone the longest length in order to provide adequate compensation. So, it is wrong to suggest that they will not do the right thing.

The Prime Minister has clearly indicated that it is not his intention or that of his Government to acquire properties which are today more or less a liability than an asset today, simply for the sake of acquiring them. There is no intention of acquiring old outmoded factories and industries, because much better can be done by establishing new ones. Land is inelastic and man cannot expand it, but so far as factories and workshops are concerned, they are the result of the handiwork of man, and with the immense man-power that we have in our country we can do what we like. We are not in any way restricted by the rigid mandates of Providence in that case. So, there need not be any unnecessary perturbation on that account.

It has also been made clear that so far as foreigners are concerned, we will deal with their cases, whatever be the law, with a high sense of international honour and dignity. The status that India has attained today cannot admit of any petty advantage gained at the cost of others. So, there need be no apprehensions one way or the other.

I hope that when this clause is put into operation, all doubts will be dispelled, and it will be seen that the clause has served a very useful purpose. It was suggested by some speakers that so long as the present Government is in office, and the Congress remains in power, there is no danger. My only appeal to all concerned is to see that the Congress always continues to remain in power, so that justice may ever be done.

Mr. Chairman: The question is:

> "That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

The House will now divide. I will request all 'Ayes' to pass through gates Nos. 1 to 6, according to the division numbers indicated on each gate. There are six booths for them. All 'Noes' will pass through gate No. 7 and record their votes at the two booths in that lobby, according to the division numbers indicated at each booth.

The Lok Sabha divided: *Ayes*, 280; *Noes*, 16.

Division No. 4] **AYES** **[12-58 P.M.**

Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agrawal, Shri M.L.
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Amin, Dr.
Asthana, Shri
Azad, Shri Bhagwat Jha
Badan Singh, Ch.
Balasubramaniam, Shri
Balmiki, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Basu, Shri K.K.
Bhakt Darshan, Shri
Bhandari, Shri
Bhargava, Pandit M.B.
Bhartiya, Shri S.R.
Bhatt, Shri C.
Bheekha Bhai, Shri
Bidari, Shri
Birbal Singh, Shri
Borooah, Shri
Bose, Shri P.C.
Brajeshwar Prasad, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimala Prosad
Chandak, Shri
Charak, Th. Lakshman Singh
Chatterjee, Shri Tushar
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G.L.
Chaudhuri, Shri R.K.
Chaudhuri, Shri T.K.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Chowdary, Shri C.R.
Chowdhury, Shri N.B.
Dabhi, Shri
Damodaran, Shri G.R.
Damodaran, Shri N.P.
Das, Shri B.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri S.N.
Das, Shri Sarangadhar
Datar, Shri
Deb, Shri S.C.
Desai, Shri Khandu bhai
Desai, Shri K.N.
Deshmukh, Dr. P.S.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Dube, Shri Mulchand
Dube, Shri U.S.
Dutta, Shri S.K.
Dwivedi, Shri D.P.
Eacharan, Shri I.
Gandhi, Shri Feroze
Ganpati Ram, Shri
Garg, Shri R.P.
Gautam, Shri C.D.
Ghose, Shri S.M.
Giri, Shri V.V.
Gopalan, Shri A.K.
Gopi Ram, Shri
Govind Das, Seth
Guha, Shri A.C.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M.S.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jayashri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kale, Shrimati A.
Kanungo, Shri
Karni Singhji, Shri
Katham, Shri
Katju, Dr.
Khardekar, Shri
Khedkar, Shri G.B.
Khongmen, Shrimati
Kirolikar, Shri
Kottukappally, Shri
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Kshanis Chandra, Shri
Krishnamachari, Shri T.T.
Krishnappa, Shri M.V.
Kureel, Shri B.N.
Kureel, Shri P.L.
Lallanji, Shri
Laskar, Shri
Lingam, Shri N.M.
Mahodaya, Shri
Majhi, Shri R.C.
Majithia, Sardar
Malviya, Shri B.N.
Malviya, Pandit C.N.
Mandal, Dr. P.
Masuriya Din, Shri
Mathew, Prof.
Matthen, Shri
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Mehta, Shri J.R.
Menon, Shri Damodara
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Mishra, Shri Lokenath
Mishra, Shri M.P.
Misra, Pandit Lingaraj
Misra, Shri B.N.
Misra, Shri R.D.
Misra, Shri S.P.
Missir, Shri V.
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
Mudaliar, Shri C.R.
Mukerjee, Shri H.N.
Mukne, Shri Y.N.
Muniswamy, Shri
Murthy, Shri B.S.
Musafir, Giani G.S.
Naidu, Shri N.R.
Nair, Shri C.K.
Narasimhan, Shri C.R.
Naskar, Shri P.S.
Natawadkar, Shri
Natesan, Shri
Nathwani, Shri N.P.
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Nesamony, Shri
Nevatia, Shri
Nijalingappa, Shri
Pakchoudhury, Shrimati Ila
Pannalal, Shri
Pant, Shri D.D.
Pragi Lal, Ch.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Patnaik, Shri U.C.
Pillai, Shri Thanu
Prabhakar, Shri Naval

Raghavachai, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singhi, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Rao, Dr. Rama
Rao, Shri Rajagopala
Raut, Shri Bhola
Reddi, Shri B.Y.
Reddi, Shri Eswara
Reddy, Shri Viswanatha
Richardson, Bishop
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saksena, Shri Mohanlal
Saksena, Shri S.L.
Samanta, Shri S.C.
Sanganna, Shri
Satish Chandra, Shri
Sen, Shri P.G.
Sen, Shrimati Sushama
Sewal, Shri A.R.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Shri D.C.
Sharma, Shri K.R.
Sharma, Shri R.C.
Shastri, Shri R.R.
Shivananjappa, Shri
Shobha Ram, Shri
Siddananjappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri Babunath
Singh, Shri G.S.
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri R.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri A.P.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Sodhia, Shri K. C.
Somana, Shri N.
Subrahmanyam, Shri T.
Sunder Lal, Shri
Sundaram, Dr. Lanka
Suresh Chandra, Dr.
Swaminadhan, Shrimati Amma
Tek Chand, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Shri R.S.
Tiwari, Pandit D.N.
Uikey, Shri
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S.D.
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Varma, Shri B.R.
Verma, Shri M.L.
Veeraswamy, Shri
Venkataraman, Shri
Verma, Shri Ramji
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Wodeyar, Shri

NOES

Ajit Singhji, General
Bhawani Singh, Shri
Chatterjee, Shri N.C.
Deogam, Shri
Deshpande, Shri V.G.
Hansda, Shri Benjamin
Jaipal Singh, Shri
Kamal Singh, Shri
Pandey, Dr. Natabar
Ramnarayan Singh, Babu
Reddi, Shri Ramachandra
Sen, Shri R.C.
Shah, Shrimati Kamlendu Mati
Somani, Shri G.D.
Trivedi, Shri U.M.
Tulsidas, Shri

The motion was adopted.

Mr. Chairman: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2.— (*Amendment of article* 31)

Mr. Chairman: Now, the House will take up clause 2. So far as the selected amendments are concerned, the Speaker has already announced that hon. Members will kindly hand in their amendments at the table within 15 minutes. I may further announce that no division will take place before 2-30.

Acharya Kripalani (Bhagalpur cum Purnea): The only clause that is of very great importance in this Constitution (Fourth Amendment) Bill is clause 2 and the essential part of this clause 2 is the last sentence which says that no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate. This, it is claimed, abrogates the Fundamental Right in regard to property that have been guaranteed by the Constitution. Let us see what these Fundamental Rights are. What is the historical conception of Fundamental Rights? These Fundamental Rights

are derived from the law of nature. It had varying and changing conceptions through the centuries till in the 17th and 18th centuries a conception arose.....

Mr. Chairman: Before the hon. Member proceeds further, I would like to say that so far as clause 2 is concerned, we are only devoting one hour and fifteen minutes to it. All the speeches on the amendments should be finished within that time. May I respectfully ask the hon. Member to strictly confine his speech to the amendments. Several hon. Members have given notice of amendments. I would, therefore, submit to the consideration of the House that they must concentrate on these amendments only and any speech in the nature of a general discussion will not be allowed.

Acharya Kripalani: I said, it is claimed that this clause abrogates what are considered the Fundamental Rights of the individual to property. I was saying that the Fundamental Rights, in the 17th and 18th centuries, meant that the individual had such certain inherent and inalienable right among other things to property. This was a very good conception. It was there in order to curb the arbitrary powers of Kings and Princes who considered themselves the law and the Government. But, this conception of Fundamental Rights has been changing in democracy. In democracy it was soon found that under the capitalist system the greatest tyrants in the land were not the Kings and Princes because their powers had been modified, but, rather, certain individuals and groups of individuals that commanded economic power. Therefore, if this economic power of the rich and of the capitalist class was to be curbed, it could only be curbed by a democratic State. Therefore, progressively, these Fundamental Rights went on being modified. Unless they were modified there was no protection to the poor people. And, in other ways also the conception of Fundamental Rights has been progressively changing. You will find that every Fundamental Right is in these days hedged in. The Fundamental Right of free speech, of free association, of possession of property or, as in article 19, the rights to freedom, even equal right before the law is hedged in. In the present amendments too you will find that every property is not to be treated equally; that there is no equality before the law so far as property is concerned. Also certain articles in the Fundamental Rights Part are in effect so abrogated, that one cannot engage in any trade or profession as one will; the State might come in. So, I submit that on account of changed circumstances, the conception of Fundamental Rights has completely changed. And, if I may say so, every Fundamental Right has become only a directive. It has no more meaning beyond that.

When the Constituent Assembly was discussing this question of Fundamental Rights, I was the Chairman of the Committee on Fundamental Rights. And, I told my Committee and proved it to them that Fundamental Rights today have no meaning in the changed circumstances. They are enunciated in order to make the Constitution respectable. That respectability was good enough for the 19th century. It is not good enough today. Therefore, to take one's stand that Fundamental Rights are abrogated is not correct. In the original Constitution every right that has been given; has been abrogated, modified and hedged in so that the Fundamental Rights become merely directives as in the light of the main proposition. It is followed by a subsidiary modifications. Every article says that "notwithstanding" what is said in the main proposition. If you put in this "notwithstanding" the very conception that existed of Fundamental Rights in the 17th and 18th centuries that an individual had certain inherent rights, which he could exercise

[Acharya Kripalani]

against society organised by the State and the Government is gone and there is no such thing as Fundamental Rights.

The idea of Fundamental Rights grew out of a conception of the individual when he was considered as an individual. Rosseau said that the individual is born equal and free and if he is unequal and has changed, it is because of the Government and society; he is good but if he has become bad, it is society that makes him bad. On the other hand, in the present times we have the contrary totalitarian conception. Nazi Germany said that there is no such thing as the individual; the highest good is the State; and the communists say that there is no such thing as an individual. He is only an ensemble of social relations. We do not accept both these propositions. There is no place for Fundamental Rights in such a conception of society and the individual. However even in democracy today, there is no place for what are called Fundamental Rights, because some sociological conceptions have been introduced in democracy itself. What is the sociological conception of the individual? There is no such entity in civilised society as the individual; that every individual is a social-individual and that his rights and his responsibilities must be consistent with the good of society; in which his good also is included. I hold, Sir, that even if this amendment is introduced, it does not affect the Fundamental Rights enunciated in the Constitution. They have already been hedged in and narrowed down by whatever subsequent clause is introduced which says "notwithstanding what has been said in the main article such and such restrictions will be placed".

Then, the second question is the question of the abrogation of the rights of property. Now, without any political or legal camouflage, let us recognise that these amendments abrogate and rightly abrogate the rights of property. Property, as it originated was the result of the labours of the individual. The hunter hunted his game and he possessed that game, but as soon as he wanted to take it, somebody else would come and take it away. Therefore, a rudimentary kind of government was introduced to safeguard his rights; and as soon as he produced this rudimentary government, he lost his absolute right to the game that he had killed because the State came in to take a portion of it. Why? Because the State protected his property, the main portion of his prey. As soon as the State begins to function in a more and more complex society, there is no such thing as private property. All property is social property, and if anybody claims that he can produce property, I would challenge him to go like Robinson Crusoe to an island and produce property, produce a mill, produce a factory, produce a capitalist order of society, produce anything except for the most rudimentary and uncivilised necessities of life. He cannot do it. We have to accept the conception that all property is social property and there is no such thing as individual property. The individual's effort is only one factor in the creation of property. Nay this very existence depends upon society. Therefore, to say that these amendments are not tampering with private property rights, as conceived by the orthodox, is absolutely incorrect. Let us say frankly that we are doing it—abrogating property rights. We are doing this deliberately and let there be no misconception about this.

Of course, there are the assurances given to foreign capital, Indian capital, and the assurances given by the Prime Minister that this will not be

touched, that will not be touched, that we—the Government—are reasonable. What is the meaning of reasonable? 'Reasonable' is that which fulfils the end, the good of society. Otherwise, 'reasonable' in a society is what the Judges consider reasonable and just. If you give power to the Courts, then the decision would depend upon the Courts. We have to decide whether what is just and what is proper is a political question or legal question. So, far we have said that these property rights shall be adjudicated by the law courts. Today we say that they shall be decided by us—'by us' means by the Legislature. Let there be again no camouflage. Legislature practically means the executive. It is absurd to say that the legislature is a free body of persons. Today the executive is the, legislature but the legislature may not be the executive. The executive is the legislature in a party system democracy. In a centralised democracy in practice there is no difference. Let it be plain that we are giving power to the executive. We have seen it in practice. Of course, a Minister conducts a department. Supposing there is a shooting, say, in Manipur or some other place. We ask a question. The Home Minister, who happens to be absent just now and is represented by the Law Minister, will tell us that the mob there threw big brickbats and stones. Who threw brickbats and stones the Minister himself does not know. It may be an *agent provocateur* who threw stones; it may be the police itself that threw stones. It is therefore the executive that decides everything. Here, we ask the question and the Minister has no knowledge at all except what has been given to him by a constable in Manipur. We call our selves a free Legislature doing this and doing that. There is no free legislature, but it is always under the thumb of the executive. Obviously, you are leaving property decisions to the executive. Remember this, and let there be no mistake about it.

But we want to do this deliberately Why? Because we have to fulfil the requirements of a Five Year Plan. If you want to plan society through an economic plan, you have certainly to give more and more power, and concentrated power, to the State. Let there be no mistake about it; you cannot have society based on an economic plan unless you regulate things. As our Government is faced with an economic plan and that plan is becoming more and more rigid and more and more extensive, property rights will become a myth.

My friend Shri Gopalan said that these amendments do not go far enough. I am sure these amendments are such that any Communist Government could confiscate—I do not call it 'confiscate'; but take over—all properties of everybody. As the amendments have been phrased any Government can take over legally all property. But why are they—the Communist—bothering about it? They have other methods of taking over property. They have such methods that anyone will not only be willing to give over his property but he will also say "Please execute me, I have been a traitor." So far as they—the Communists—are concerned, they need not bother. It is the conservative lawyers who should be bothered and I think they have need to be. One of them said yesterday that anybody who has any knowledge of the English language or a modicum knowledge of law will say that this legislation is confiscatory. This is perfectly and absolutely correct. The only mistake is that this law is only permissive; it is not as yet confiscatory; it does not take away any body's property but it can and may take away private property. The Cabinet at the Centre, has made a revolutionary change, but a revolutionary change has to be carried out in a revolutionary manner. It is not only change in the law that matters, but the revolutionary mentality of those who

[Acharya Kripalani]

are carrying on the government. I cannot accuse our Ministers of such a mentality. I may humbly say that they are incapable of conceiving a revolution. The Prime Minister was right in giving the assurance and my friend, Shri Chatterjee, was right in saying that as long as the Congress Government lasts, whatever may be the revolutionary character of the Constitutional change, there will be no revolution. However, it afterwards somebody else comes, I can assure Shri Chatterjee, though he is not present.....

Shri N. C. Chatterjee: Very much present.

Acharya Kripalani: I am sorry. He occupies the front seat and sometimes the back seat.

Dr. Lanka Sundaram: He changes places.

Acharya Kripalani: I may assure him that he need not be apprehensive; and the members of the Cabinet are going to outlive him.....

Shri N. C. Chatterjee: And also the hon. Member.

Acharya Kripalani: Outlive me, of course; and outlive a younger man like him also. Let there be no camouflage. I say that the assurances they have given you are correct, not because the law justifies them, but because their character justifies them. To think that our Finance Minister or for the matter of that, our Commerce Minister is going to confiscate property, whether it is our property or whether it is foreigners' property, passes my comprehension. The change is legally revolutionary, but unfortunately, or fortunately for Shri Chatterjee, there are no revolutionary persons to put revolutionary changes into effect.

The Deputy Minister of Communications (Shri Raj Bahadur): The hon. Member is mistaken there.

Acharya Kripalani: I am mistaken? I am afraid I was in the Congress longer than he has been in it. I know it—the Congress—today, and I can also prophesy the future and my prophecy is not based upon astrology, as the prophecy about Ministerial posts. What I tell you is from political knowledge, that it is impossible, in spite of what is called the Avadi resolution, the resolution on socialism, the Government are not going to touch private property excepting that of the poor and the helpless and the downtrodden. That they will do, as there is no resistance.

Shri Raj Bahadur: The Avadi resolution comes to the hon. Member as a nightmare.

Acharya Kripalani: I have many nightmares but you have one fixed nightmare of your office going away one day. That is the biggest nightmare that you are suffering from. I have the nightmare that from people are where you are but the nightmare of those who are high up is very dangerous because they are living upon the goodwill of one man. I am not living upon the goodwill of one man or of anybody. To live upon the goodwill of even God is dangerous. To live upon the goodwill of one individual is the most dangerous thing, the most degrading thing.

Shri Raj Bahadur: I have been living upon the confidence of my own young age, and upon the principles of the Congress.

Acharya Kripalani: Of course, I know your principles. They are in your stomach as the Englishmen's principles are in his stomach. Do not tell me about principles. I know these principles; we professed many principles and when the country became independent, I know what has become of those professions and what has become of those principles. They are in the belly. Let them remain

in the belly. Do not bring them out through the mouths. Otherwise they will spoil you. If you want to bring them through the mouth, कुल्ला करके बात करो It is also a fact which we must recognise: that this—amendment—is going to add to the power of the executive. Whatever you may say, the power of the executive will go on increasing because, we are living in a dangerous world, and as the Prime Minister always says in a world of atom and hydrogen bombs. You must have power requisite for doing the work that you want to do. If you have a more dangerous work to do you must have more power. If you want to plan, you must have the power to do so. If you want to rule the country, a few of you then you must have requisite powers. If I want to drive a motor-car, I should have an engine that can drive a motor-car. If I want to drive a railway engine, the engine being bigger I must have more power at my disposal. So, it is not a question of power. Power always must be there, whatever power is required by circumstances; and power is a dangerous thing. There is no doubt about it. But if you have to limit that power, it is not by working a centralised democracy, but as Gandhiji said, power must be divided into fragments, and such fragments of power will not become dangerous. You have not divided that power. You are everyday concentrating that power more and more in the Central Government. That is the way that power will corrupt those at the helm of affairs. Power is dangerous. You are giving more power to the Government than was contemplated by the framers of the Constitution.

Our Prime Minister said that we are only making explicit what was implicit in the minds of the framers of the Constitution, not what was implicit in his mind. The dominating force in the Constituent Assembly was somebody else who was very conservative, who was very sensitive to the rights of property and property-holders and to the rights the administration had those days. You can see this in the Constitution. There is no Constitution in the world where guarantees are given to the country's own servants—irremovable and irrevocable guarantees. Who did it? Not our Prime Minister. His views may be the same. His views perhaps are the same. But I challenge anybody to prove that his intentions were carried out. It was other people's intentions that were carried out and this was brought about by my friend in the other House—Dr. Ambedkar. There was a conflict and in that conflict our Prime Minister did not gain his point. But others who were more conservative in this respect gained their points.

I am sorry I have taken more time than I intended.

Mr. Chairman: The discussion is to end at 2-15 as regards clause 2. 25 minutes have till now been spent on this. I would request hon. Members not to take more than five minutes each.

Shri Tek Chand (Ambala-Simla): For his niggardly five minutes, even five bells would not have been sufficient to remind the previous speaker to resume his seat. It is rather hard.

Mr. Chairman: If the hon. Member wants to take some more time, he should have asked the Speaker to allot more time for discussion or he should not have agreed to the time table suggested by the Business Advisory Committee. Now, to make a remark like this, when he knows that only about 40 minutes more are at our disposal and so many Members are anxious to speak, is not fair. What can I do? If the House agrees and has more time for the Bill, I would

[Mr. Chairman]

even allow 40 minutes for each Member. If the hon Member wants more time what will happen to other hon. Members?. He must conclude his remarks within five minutes. I am sorry I cannot extend the time.

Shri Tek Chand: My reference was to the previous speaker.

Shri Lokenath Mishra (Puri): Confining us to speak within five minutes or not to speak at all is an expropriatory measure so far as we are concerned.

Shri Tek Chand: I wish to steer clear of the moral fallacies or philosophies which have been indulged in on one side or the other, that is about this tug of war between the judiciary and the legislature. Nothing of the sort. The legislature's function is to pass laws. The judiciary's function is to interpret them. In Bela Banerjee's case, compensation was interpreted as it ought to have been interpreted. If it was the intention of the legislature to mean something different by the word 'compensation', from what is contained in the dictionary, it was for the legislature to give an artificial definition and truncate the form of that definition of the word. Therefore, logically speaking, you cannot find fault with the Bela Banerjee's case. If you think that it was unhappily worded, by all means change the law.

The other philosophy or fallacy is whether the State is for the individual or the individual is for the State. I wish to steer clear of this fallacy as well. If you confer rights, then, while conferring rights, see that they are remediable. See that those rights can be vindicated. There should be a machinery for enforcing the rights. By all means, deprive the citizens of their rights, and then the question of machinery does not arise. It is a well-known saying: *Ubi jus ibi remedium—Lex semper dabit remedium.* Where there is a right there is a remedy provided. The law always gives a remedy if it confers a right. Therefore, it is no use telling me, "yes, it is a right we give you." I say, 'no'; it is not merely a right but it is a fundamental right. But I say that if there is a violation of that right either by the State legislature or by the mermidons of the State legislature, what is the remedy. At whose door is the man whose right has been violated is to wait? You say there are rights. There are fundamental rights. I was almost bewildered when I heard the last speaker. He said fundamental rights are mere directives. I say, Sir, in all humility —pardon me for using this expression, and in the circumstances, this is the only correct expression—it is a fraud on the right of a citizen to tell him that we propose to put it in Part III, but we propose to treat them merely as directives.

Acharya Kripalani: The Government are doing that.

Shri Tek Chand: I hope that stage which is visualised by the last speaker has not come. So far as the assurances by the hon. Home Minister are concerned, they are encouraging. But assurances on the floor of the House by the highest, by the most respected and revered, are apt to be forgotten by those who are called upon to act upon these assurances. Individuals whose rights are bound to be violated will remain, and it will be the State who will be passing statutes contrary to those assurances. The States and their executives have proverbially a short and a convenient memory.

I have a case in point. The State of Punjab has passed a legislation which is called "The Punjab Village Common Lands Regulation Act" whereby they have ordered that the property of the proprietory body can be taken away and all their title and rights are to vest with gram panchayats without paying a penny by way of compensation. The ordinary people in village—their income from the timber forests has been taken away with one stroke of pen without one penny worth of compensation. It is not the property of any individual; it is the property of the village proprietory body and it has been vested in a body called the gram panchayat. Laws of this type are contrary to the assurances given on the floor of this House. Unfortunately, they are being enacted and they are likely to be enacted.

Coming to clauses 2 and 2(a), I pray that my hon. friend, Shri Pataskar may kindly appreciate what I am about to say. You say you have given compensation. It may not be full compensation; it may be a little less but you will give that compensation in the case of acquisition and requisition only. But if you deprive a citizen of his property, then there is no question of compensation. That is a distinction which I am not in a position to appreciate. It comes to this. The State goes to the citizen and says: "we want your house, here is the compensation"; that is understandable. But if that very State says this: we do not want this house; we wish to deprive you of this house in order to give this house to A, B or C society or some such body, then no compensation at all. Instaces are there where the State is not acquiring the property; the State is not requisitioning the property. What the State is doing or going to do is this. They will say: this property from tomorrow shall vest in a municipality, gram panchayat or some other body which is neither a corporation nor the State.

So far as the citizen is concerned, there are two citizens my friend and I. If you go to my friend and say: we will acquire your house, then there is compensation and he has some satisfaction. You come to me again and say: 'we want to give your house to a school, municipality, to a church or college or to a society.' In that case, I am deprived of the house. He is also deprived of the house but he gets compensation but I am deprived of my house and I do not get any compensation. Pray: Why? If you are not going to give any compensation, do not give any compensation; that is understandable. Act upon the saying *La propriete C'est Vol.* Ownership of property is understood; that is understandable; that is in concurrence with the principle of logic at least. You say: if you want something for yourself, if you want to deprive the ownership, you will give compensation. you deprive me of the ownership in order to give it to A, B, C or D, then no compensation at all. I have no quarrel with the proposition whether it is full compensation or a little less compensation or even half or nothing But I have a quarrel with this logic of yours. You say that when you want it for yourself and when you deprive somebody of that, you give compensation but when you give the benefit of my property to somebody other than the State or a corporation then there is no compensation.

Again the unfortunate word 'corporation' is going to cause a tremendous confusion: is it a person or municipality or *gram* panchayat. *Gram* panchayat may be treated as a corporation. In these circumstances, I do pray that at least having regard to the principles of logic and fairness, if you must, in principle, give a compensation, give it to that person also who is being deprived of the property because of you or because of your laws. There should be no distinction between acquisition and deprivation.

Shri Lokenath Mishra: I am extremely grateful to you to have a chance on this occasion. I have been trying in vain over these 12 months to catch the Speaker's or the Chairman's eye but I have not been able to catch their eyes in the past except yours today. But today is a great day. Therefore, my having caught this occasion is a good fortune; this is a great occasion for me because as a Member of the Constituent Assembly I had some part in shaping the Constitution and today even when it is going to be amended I have got the good fortune of speaking a few words.

I accept every word that the Prime Minister has said in defence of this Bill. Word for word, I accept them. Those are very high words which have touched my emotions. But I have one fear. However great he may be, however great his assurances may be, this Bill, when it becomes an Act, will go to the hands of people who could not be trusted in the same manner as you can trust the Prime Minister. No emotions and no good assurances carry any meaning to them except the words given here. Therefore, my only objection is this. The intentions, hopes and aspirations that had been enunciated by the Prime Minister are not borne out by the words of this clause. Therefore, I have given notice of an amendment to this clause. It is a very simple amendment; it is merely verbal or drafting change, none the less, very important as I understand it. I refer to amendment No. 5 and the other amendment No. 101 standing in my name. My amendment wants the deletion of the words 'to the State or to a corporation owned or controlled by the State' and for (2A) substitutes 'Explanation'. My idea is this. Article 31(1) says that nobody shall be deprived of his property except by the authority of law. So far, so good. There is no question of any compensation there. It is only this clause (2) that brings in the question of compensation. Compensation will be given only when the property is either acquired or requisitioned by the State. So far so good. But the mischief I find is in (2A). It means that unless and until the property is acquisitioned or requisitioned, there will be no question of compensation. That too is all right. But how does it define acquisition or requisition? It says that unless the ownership or possession is transferred to the State or a Corporation, it cannot be acquisition. Therefore, by a law I may lose my property, thousands of people may lose their property; Still, the State may not be the owner nor a corporation. And in that case, no compensation. That means that a citizen of India can be deprived of his property and notwithstanding that deprivation, unless and until that deprivation accrues in favour of the State or a corporation, he will get nothing. This is absolutely unfair. I can conceive of a case when a law may be passed depriving a person of his property but at the same time the State will not get anything it will go to persons or groups or bodies other than the State and they may become the owners of the property. In that case, simply because of the words in a law, the State is not the owner and the person, in spite of the deprivation, does not get compensation. Although he is deprived, he gets nothing.

I must submit to you, Sir—fortunately you are here a superman who goes deep into law—please read into this. I want nothing. I simply want that these words should be deleted and when deleted it will read like this:

> "Where a law does not provide for the transfer of the ownership or right to possession of any property it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, notwithstanding that it deprives any person of his property."

Everything is there. Simply take away the "transfer of ownership or possession to the State or corporation". In other words any acquisition or requisition will entail compensation. That is my humble submission.

If the law stands as it is, I can understand the plight of people in my constituency in the State of Orissa who will be put to careless deprivation of their property and for nothing to them.

I shall give you one example. One hon. Member said that in the Damodar Valley or Hirakud, when they come to completion, when the lands are flooded, X or Ys' property will be under water. Under this law they are not entitled to compensation, because the State can as well say like this "we have taken nothing". A bad Chief Minister or good Chief Minister or a bad officer or good officer does not matter. A person may be as good a man as the Prime Minister or as bad a man as the devil. Therefore we cannot have a law, absolutely believing the Prime Minister as the standard of human beings. Suppose the Hirakud project is completely implemented and so many acres of land go under water. If this law is there the Government of Orissa may say "your lands are under water, we have taken nothing, therefore you are liable to no compensation". In that case the people may go to the Chief Minister. If he is in good mood, they may be heard. But suppose something happens, something unanticipated happens, what then? I therefore, submit that the law must be accurate, fool-proof so that on the strength of the words used here every person must be safe.

Whatever the intention may be, I agree with Acharya Kripalani that this law will hit hard the small persons. Because, the big industrialists, the big mill-owners and land-owners, they will catch the master's eye but small men, men like me will never catch the eye. The discretion that is given in this House to the Chairman goes against me, it goes in favour of big people this side and that. This is what happens here. So I submit discretion affects Fundamental Rights. I agree with Acharya Kripalani that this House is not a place to discuss fundamentals. We here think of ourselves as mere animals of physical needs. If there is anything fundamental in the world, it is somewhere else. It might be in me, it might be that this invisible is fundamental. But when we come here, we forget that invisible self, the fundamental. But for that, I am not sorry. It is foolish to believe that there is anything fundamental in day-to-day life, which concerns us here.

Therefore I say, even as a Member of the Congress Party I appeal to my friends to see that the mischief I point out is not there. Please delete these words. Because previously, as will be found from the asterisks, there were the words "by the State". But it is said that since all acquisition or requisitioning could be done only by the State, the words are not necessary. If it is not necessary there, why keep it here? You thereby mean something other than what is given here. I say this is a legislative hypocricy. We must be quite clear, straight, and people must know what the law means.

Many things have been said about private property. I am no believer in private property. I believe private property is a hindrance and a fetter for the free man. But we cling to it because society or the State does not give us security. And we men of the present world cannot rely upon any government. Is there any government here, except persons, before whom I can give up my children, my future and say "I am safe"? If you give that security, people will not cling to property. I am glad about this gradual liquidation of private property which is a good augury. But

[Shri Lokenath Mishra]

at the same time the Government which takes this power must see that it takes the full responsibility of the individual and makes him safe. It is only then that the individual, either as a member of society or as a sovereign human being can bless this Act and help bring about that consummation which is the aim of this Law.

With these words I respectfully request you and the Government to see that these words, these nefarious, dangerous words, be deleted, so that the small man who cannot go to the Supreme Court or to the Prime Minister, or who cannot go to the State Governments, can be safe under the Law.

Shri U. M. Trivedi: The last speaker has put the case of the poor man in a very nice manner and I congratulate him for having done so, and I hope that he sticks to the words he has uttered when the time for voting comes.

The actual position is this that there are no two opinions about the question of making certain amendments to the Constitution, there are no two opinions on this point that those who are very rich may be deprived of their property and need not be paid full and adequate compensation. But does the law that is being contemplated, that is being rushed through, does that law provide for that position? That is what we have to see. And it is for this reason that some amendments have been given to the provisions of clause (2) and (2A).

This clause (2A) takes away what remains in the hands of an owner by virtue of article 31(2). Under article 31(2) you have still got to say that there is the question of public purpose. But here in clause (2A) there is no public purpose, no specification of compensation, no principles on which and the manner in which the compensation is to be calculated. What it say straightway is

> "Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, notwithstanding that it deprives any person of his property."

The langauge itself is inconsistent, and I submit most respectfully that an artifical definition of 'acquisition' and 'requisitioning' is being put forward. The assurances that have been given are merely things in the air. Let us see from the practical side of life what is happening wherever these compensations are to be paid. We know it. That is why I have made a small suggestion that so far as the provisions under article 31(2) are concerned, I would rather prefer that this clause (2A) is dropped and a provision is made, instead of saying that it shall not be called in question in any court, that it may not be called in question in any court except the Supreme Court. The Supreme Court may be given this power to consider whether or not adequate compensation is provided. Why we should be afraid of the Supreme Court, I cannot understand. They are citizens of India. They are working with the times. They have stock of the time. They consider the law as it is. They are just people, not guided by party considerations. They look at things as man to man, as a black head against another black head, and decide whether compensation is paid or not. Lawyers know the definition of consideration. Consideration for a hundred pounds may be a feather. Do you want to give a feather and take away a thousand rupees from the man? Just as Acharya Kripalani put it, if you want to reduce these fundamental rights that we are going to exercise as merely directives, then certainly say so. Why not abrogate the whole of these provisions, the whole of Part III? Say that Part III does not exist. You have put in article 19. You have provided the various freedoms we are going to enjoy, the right to acquire and dispose

of property. In other words, you immediately inhibit the same right, granted under this article 31. You take away the right, the fundamental right provided under article 32. Article 32 provides that we will have a right to approach the Supreme Court. That right you take away by this clause. We will have to pause and consider. Dr. Lanka Sundaram said in a stinging language that some Members may want to have their names recorded to show whether they are reactionaries or not. I shall submit with great respect to him that there is no desire to call oneself progressive or reactionary. If anybody wants to do that he can put a board with his name and fix it behind himself and say he is progressive, and we will be pleased about it. The only question here is the greatest good of the greatest number of our pepole. We must provide the law in such a manner that its interpretation must be a correct interpretation and that it should not be used in a manner for the purposes of oppressing persons who are not in a position to go to the High Court or the Supreme Court. We have seen what Shri Lokenath Mishra has been able to describe about Damodar Valley and other places where the projects are in progress. We find that thousands and thousands of acres of land and hundreds and hundreds of houses of poor men are going to be drowned in water, and not a farthing is to be paid to them.

2 P.M.

Pandit K. C. Sharma (Meerut Distt. —South): Not a single man has been drowned.

Shri U. M. Trivedi: I said, huts are drowned, houses are drowned and villages are drowned; I never said that living persons are drowned.

Sir, when our late Vallabhai Patel inaugurated the Damodar Valley scheme, he said that land for land and houses for houses would be given. But what has happend? I have personally gone there and I have seen the condition of the poor people assembled in the villages. In not a single case, house for house has been given and in not a single case land for land has been given. The people are still clamouring.

Shri Raj Bahadur: Houses have been given.

Shri U. M. Trivedi: I have got 21 witnesses who are members of the Public Accounts Committee.

Shri Raj Bahadur: New houses have been built there.

Shri U. M. Trivedi: I know of what truth you are capable of. That is why I said so.

Shri Raj Bahadur: That is very unfair. The hon. Member should be asked to withdraw the remarks.

Shri U. M. Trivedi: I am very sorry that you should have disturbed me by your remarks.

Come with me tomorrow to the Chambal project. Thousands are clamouring there that their houses are not yet assessed and when the rains come in the month of May they will be stranded.

You say that a poor man's property will not be taken. But where do you draw the line? Where do you say that only the rich man's property will be taken and not the property of the poor man? Where do you say that the property of a man who gets only Rs. 5,000 will not be taken? Where do you say that the property of man who holds only 75 acres of land will not be taken? Where do you put the ceiling? Put the ceiling somewhere that the property of a poor man will not be taken. It is for this reason that I oppose this amendment.

Mr. Chairman: The following are the selected amendments to clause 2 of the Constitution (Fourth Amendment) Bill, 1954, which the hon. Members have

[Mr. Chairman]

indicated to be moved, subject to their being otherwise admissible:

Clause No.	No. of amendments
2	117, 30 (as amended by 31), 32, 15, 33, 93, 118, 119, 35, 94, 36, 95, 96, 37, 120 (same as 37), 97, 18, 39 (as amended by 40), 3 (as amended by 99), 4, 41, 42, 19, 43 (same as 19), 44, 101, 5, 6, 102, 45, 46, 103 (same as 46), 48 and 7.

Shri V. G. Deshpande: I beg to move:

In page 1, *for* clause 2, *substitute*:

"2. *Transfer of article* 31 *to Part* IV.—Article 31 of the Constitution shall be omitted from Part III and inserted as article 51A under Part IV of the Constitution."

Pandit Thakur Das Bhargava: I beg to move:

In page 1, *for* clause 2 *substitute*:

"2. *Substitution of new article for article* 31.—For article 31 of the Constitution, the following article shall be substituted, namely:

'31. (1) Notwithstanding anything contained in articles 31A and 31B, the following kinds of properties shall not be compulsorily acquired or rights in such properties extinguished or modified in any manner whatsoever save for a public purpose and save by authority of the Land Acquisition Act, 1894 (I of 1894) or of any other law which provides for compensation on the basis of market value at the time of acquisition of the property or extinguishment or modification of rights calculated on the principles enumerated in section 23 of Act I of 1894 and payment of such compensation within one year of taking possession of the property acquired or rights extinguished or modified:

(a) If the property is a residential house where the owner dwells or a shop where he personally works.

(b) If the property is land in the cultivation or possession of the owner or his tenant in cases where the owner owns less than 75 acres.

(c) If the property belongs to any person who at the time of acquisition owns less property than the minimum prescribed for the levy of Estate duty by the provisions of Estate Duty Act, 1953 (34 of 1953).

(d) If the property belongs to any person whose total annual income does not exceed the minimum prescribed for exemption from income tax by the Income Tax Act, 1922 (XI of 1922).

(e) If the property belongs to a person who is a member of the Scheduled caste or Scheduled tribe.

(f) If the property belongs to an orphan or a widow or a disabled person.

(g) If the property belongs to retired military personnel.

Explanation.—Any substantial deprivation of the properties mentioned above shall be deemed to be acquisitioned for the purpose of compensation.

(2) No property mentioned in the preceding clause shall be requisitioned except for a public purpose and on payment of compensation which shall be governed by the provisions of Act I of 1894 or such other laws as embody the principles relating to compensation for such requisition enumerated in Act I of 1894'."

Shri T. K. Chaudhuri: I beg to move:

In page 1, *for* clause 2 *substitute*:

"2. *Amendment of article* 31.—In article 31 of the Constitution, for clauses (1), (2) and (3) the follow-

ing clauses shall be substituted, namely:—

'(1) No person shall be deprived of his property except for a public purpose and save by the authority of law.

(2) No law providing for compulsory acquisition or requisition of the property of a person shall have effect unless the proposals contained in it have been placed, prior to their enactment, for consideration by a Public Acquisition of Properties Commission, to be appointed in the manner hereinafter indicated, and unless a report containing the detailed opinion of the Commission upon those proposals have been circulated to the members of the Legislature concerned before the said proposals come up for their consideration in the shape of a Bill;

(3) Every proposal for a legal enactment authorising compulsory acquisition and requisition of the property of any person shall have to be placed, prior to such enactment, and every executive order for compulsory acquisition and requisition of the property of a person, under authority of any law which may be in force for the time being, shall have to be similarly placed, prior to the passing of such order, before a Public Acquisition of Properties Commission, to be appointed by the Government of India for considering and reporting on such proposals and orders for acquisition and requisition as would be made by that Government or by each of the Governments of the States of the Union, on proposals and orders made by that Government.

(3A) (a) Every Public Acquisition of Properties Commission shall be composed of three members, including a Chairman, selected on the following basis:—

(i) One of the members, having the qualifications of a High Court Judge, or having served as one, shall be appointed as the Chairman;

(ii) There shall be one member, who will be in the opinion of the appointing authority, a person versed in land and property laws, and

(iii) One member, who will be in the opinion of the appointing authority, a person possessing actual administrative experience in the matter of land and property laws.

(b) The Chairman and the members of a Public Acquisition of Properties Commission shall be appointed, in the case of the Union as a whole by the President, and in the case of a State by the Governor or Rajpramukh of the State as the case may be, for a term of six years at a stretch, and on such other terms and conditions as may be found necessary by the appointing authority concerned.

(c) The Public Acquisition of Properties Commission of the Union and the States shall consider and report to the Government and the Legislature concerned their views on every proposal or order referred to them under provisions of clauses (1), (2) and (3) of this article'."

Shri N. C. Chatterjee: I beg to move:

In page 1, *for* clause 2, *substitute*:

"2. *Amendment of article* 31.—In article 31 of the Constitution, for clauses (1) and (2), the following clauses shall be substituted, namely:

'(1) No person shall be deprived of his property except for a public purpose and save by the authority of law.

(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by the authority of a law which provides for compensation

[Shri N. C. Chatterjee]

for the property so acquired or requisitioned and either fixes the amount of compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given.

(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, provided that the law does not substantially deprive any person of his property.

(2B) No law providing for deprivation or acquisition or requisition of any property shall be void on the ground of inadequacy of compensation provided by such law:

Provided that this clause shall not apply in the case of deprivation, acquisition of requisition of any of the following categories of properties:

(a) Land which is cultivated by the owner or the right of a tenant who cultivates the land.

(b) Land or house of any person used by him for his occupation.

(c) Any dwelling house used or occupied by the owner for his residence or for the residence of the members of his family.

(d) Any land or house or property owned by any widow, orphan or disabled person where such land or house or property is the main source of income for the maintenance of such person.

(e) Land or house or property of any person whose total annual income or gains or profits from any source whatsoever do not exceed Rs. 4,200/-

(f) Hut or structure built by a tenant or occupier with his own funds in a bustee or slum area'."

Shri A. K. Gopalan (Cannanore): I beg to move:

In page 1, *for* clause 2, *substitute*:

"*Amendment of article* 31.—In article 31 of the Constitution, clauses (2), (3), (4), (5) and (6) shall be omitted."

Shri R. D. Misra (Bulandshahr Distt.): I beg to move:

In page 1, *for* clause 2, *substitute*:

"2. *Amendment of article* 31.—In article 31 of the Constitution, for clause (2) the following clauses shall be substituted, namely:

'(2) (a) No house, which is the only house of its owner for his residence or for the residence of the members of his family and which occupies not more than one acre of land with its building and compound, shall be compulsorily taken possession of, acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the house taken possession of, acquired or requisitioned and specifies that the amount of compensation is to be determined and given to the owner at the market rate at the time of the acquisition or requisition.

(b) No land which is an agricultural land in the occupation or cultivation of its owner and which does not exceed the area of 30 acres, shall be compulsorily taken possession of, acquired or requisitioned save for a public purpose and save by authority of a law which either provides payment of compensation at the market rate prevailing at the time of the acquisition or requisition, or specifies the principles on which and the manner in which some other agricultural land of equal value is

to be determined and given in exchange for it.

(c) No property, other than referred to in sub-clauses (a) and (b) of this clause shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given, and no such law shall be called in question in any court on the ground that the compensation provided by the law is not adequate, nor it shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by article 13, article 14, and article 19.

Explanation.—If a person owns more than one house or more than 30 acres of agricultural land, compensation for the house in which the owner or the members of his family reside and for 30 acres of land shall be determined according to sub-clauses (a) and (b) and for the remaining property according to sub-clause (c).

(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property notwithstanding that it deprives any person of his property, provided that such property does not come within the category of property referred to in sub-clauses (a) and (b) of clause (2) of this article'."

Shri V. G. Deshpande: I beg to move:

(1) In page 1, line 5, *after* "Constitution" *insert*:

"(a) for clause (1), the following clause shall be substituted, namely:

'(1) The State shall not deprive any person, of his property save by authority of law' and (b)."

(2) In page 1, lines 7 and 8, *for* "No property shall be compulsorily acquired or requisitioned" *substitute*:

"The State shall not compulsorily acquire or requisition any property."

Shri A. K. Gopalan: I beg to move:

In page 1, line 9, *for* "provides" *substitute* "may provide".

Pandit Thakur Das Bhargava: I beg to move:

In page 1, line 9, *for* "compensation" *substitute* "fair compensation".

Shri A. K. Gopalan: I beg to move:

In page 1, line 10, *after* "and" *insert* "when the compensation is so provided".

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 1, line 11, *for* "the compensation" *substitute* "such compensation"

(2) In page 1, line 12, *for* "the compensation" *substitute* "such compensation"

Shri Tulsidas: I beg to move:

In page 1, lines 13 to 15,

omit "and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate".

Pandit Thakur Das Bhargava: I beg to move:

In page 1, lines 13 to 15,

for "and no such law shall be called in question in any court on the ground that the compensation

[Pandit Thakur Das Bhargava]

provided by that law is not adequate." *substitute*:

"and such law shall not be questioned in any court."

Shri U. M. Trivedi: I beg to move:

In page 1, line 13, *after* "court" *insert* "other than the Supreme Court".

Pandit Thakur Das Bhargava: I beg to move:

In page 1, *after* line 15, *add*:

"except in regard to properties mentioned below:

(a) Residential house where the owner dwells or shop where he personally works.

(b) Land of any person who owns less than 75 acres.

(c) The property of any person who at the time of acquisition owns less property than the minimum prescribed for the levy of Estate duty by the Estate Duty Act, 1953 (34 of 1953).

(d) The property of any person whose total annual income does not exceed the minimum prescribed for exemption from the levy of income tax by the Income Tax Act, 1922 (XI of 1922).

(e) The property of any member of the Scheduled caste or Scheduled tribe.

(f) The property of an orphan, widow or disabled person.

(g) The property of any retired military personnel."

Shri Dabhi (Kaira North): I beg to move:

In page 1, *after* line 15, *add*:

"provided that the principles on which compensation is to be determined for the acquisition of any property or the extinguishment or modification of any rights in any property shall be specified by an Act of Parliament."

Shri S. V. Ramaswamy (Salem): I beg to move:

In page 1, *after* line 15, *add*:

"*Explanation*.—'Compensation' may be in cash or otherwise and may be the full market value or otherwise."

Shri Mulchand Dube (Farrukhabad Distt—North): I beg to move:

In page 1, *after* line 15, *add*:

"Provided that when the property acquired is owned by a person whose total assets both movable and immovable do not exceed twenty-five thousand rupees, the compensation payable to him shall be fixed by law at the market value of the property acquired."

Shri N. R. Muniswamy (Wandiwash): I beg to move:

In page 1, *after* line 15, *add*:

"Provided that the aggrieved party shall be entitled to appeal to a Tribunal appointed for this purpose against the decisions of an executive authority."

Shri U. M. Trivedi: I beg to move:

In page 1, *omit* lines 16 to 21.

Shri Tulsidas: I beg to move:

In page 1, *for* lines 16 to 21, *substitute*:

"(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a Corporation owned or controlled by the State, but extinguishes, modifies or alters other rights of property in the manner specified in Article 31A, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property."

Shri Lokenath Mishra: I beg to move:

(1) In page 1, line 16 *for* "(2A)" *substitute* "Explanation".

(2) In page 1,

(i) lines 17 and 18, *omit* "to the State or to a corporation owned or controlled by the State";

(ii) line 21, *for* "his property" *substitute* "any other rights over his property".

Shri S. V. Ramaswamy: I beg to move:

In page 1, line 18, *after* "State" *insert* "for any public purpose".

Shri Tek Chand: I beg to move:

In page 1, line 18, *after* "by the State" *insert*:

"or to any statutory body, society or club."

Pandit Thakur Das Bhargava: I beg to move:

In page 1, lines 20 and 21,

for "notwithstanding that it deprives any person of his property" *substitute* "provided substantial deprivation has not taken place".

Shri K. C. Sodhia (Sagar): I beg to move:

In page 1, line 21, *add* at the end "temporarily".

Pandit Thakur Das Bhargava: I beg to move:

In page 1, line 21, *add* at the end:

"Such law shall not, however, take away or abridge or be deemed to have taken away or abridged the rights of the person owning the property or rights thereon to seek such remedies as are open to him under the law."

Shri S. V. Ramaswamy: I beg to move:

In page 1,

(i) line 5,

after "Constitution" *insert* "(a)"; and

(ii) *after* line 21, *add*:

"(b) in clause (3), after the words 'referred to in' the words 'clause (1) and' shall be inserted."

Mr. Chairman: All these amendments are before the House.

The following are the selected amendments to clause 3 of the Constitution (Fourth Amendment) Bill, 1954, which the hon. Members have indicated to be moved, subject to their being otherwise admissible:

Clause No.	*No. of amendments*
3	104, 105, 20, 51, 52, 53, 55, 8, 56, 57, (as amended by 58), 59, 60, 61, 108, 62, 21, 63, 64, 65, 110, 66, 67, 68, 69, 70, 71, 72, 73, 112, 74, 113, 22, 75, 76, 77, 23, 79 (same as 23), 78, 24, 25, 82 and 114.

Pandit Thakur Das Bhargava: I beg to move:

In page 2, *for* clause 3, *substitute*:

"3. *Omission of article* 31A.—Article 31A of the Constitution shall be omitted."

(2) In page 2, *for* clause 3 *substitute*:

"3. *Substitution of new article for article* 31A.—For article 31A of the Constitution, the following article shall be substituted, namely:—

'31A. (i) Notwithstanding anything contained in article 31, the following kinds of properties shall not be compulsorily acquired or rights in such properties extinguished or modified in any manner whatsoever save for a public purpose and save by authority of the Land Acquisition Act, 1894 (1 of 1894) or of any other law which provides for compensation on the basis of market value at the time of acquisition of the property or extinguishment or modification of rights calculated on the

[Pandit Thakur Das Bhargava]

principles enumerated in section 23 of Act 1 of 1894 and payment of such compensation within one year of taking possession of the property acquired or rights extinguished or modified:

(a) If the property is a residential house where the owner dwells or a shop where he personally works.

(b) If the property is land in the cultivation or possession of the owner or his tenant in cases where the owner owns less than 75 acres.

(c) If the property belongs to any person who at the time of acquisition owns less property than the minimum prescribed for the levy of Estate duty by the provisions of the Estate Duty Act, 1953, (34 of 1953).

(d) If the property belongs to any person whose total annual income does not exceed the minimum prescribed for exemption from income tax by the Income Tax Act, 1922 (XI of 1922).

Explanation.—Any substantial deprivation of the properties mentioned above shall be deemed to be acquisitioned for the purpose of compensation.

(2) No property mentioned in the preceding clause shall be requisitioned except for a public purpose and on payment of compensation which shall be governed by the provisions of Act 1 of 1894 or such other laws as embody the principles relating to such compensation enumerated in Act 1 of 1894'."

Shri T. K. Chaudhuri: I beg to move:

In page 2, for lines 2 to 31, *substitute*:

"(a) for clause (1), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

'(1) Notwithstanding anything contained in the foregoing provisions of this Part no law providing for—

(a) the acquisition by the State of any estate or of any rights contained therein or the extinguishment or modification of any such rights, or

(b) the fixation of a maximum ceiling on the extent of agricultural holdings and redistribution of any surplus land held in excess of such ceiling as may be fixed amongst landless labourers and poor peasants, or

(c) the fixation of a maximum ceiling on the holdings of any kind of property and any savings in the name of a single individual or on the percentage of income or financial benefit accruing to that individual from such property or savings, or

(d) the acquisitioning and requisitioning of any immovable property for the relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan or any other cause resulting from any act of the State, or

(e) the acquisition and requisition of any land, buildings or huts, declared in pursuance of law to constitute a vacant land, or waste land, or slum, in order to provide better and alternative accommodation for displaced persons or the dwellers of slums, or

(f) the taking over of the management of any property or business undertaking by the State, either in public interest or in order to secure proper management of that property or undertaking; or

(g) the transfer of any undertaking, wholly or in part, from one firm, company or corporation to another, or the amalgamation and merger of two or more firms, companies and corporations either in public interest, or in order to secure the proper management of any of the undertakings concerned, or

(h) the extinguishment or modification of any of the rights of managing agents, secretaries, directors, managers, promoters, founders, shareholders of corporations, and those of the partners and owners of other business undertakings, or

(i) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning and exploiting any mineral resource or mineral oil or any other natural resource, or for the purpose of supplying power, light or water to the public, or the premature termination or cancellation of any such agreement, lease or license, or

(j) the extinguishment or modification of any rights incidental to the ownership, possession and enjoyment of any kind of property for a declared public purpose, shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by any provisions of this Part:

Provided that where such law is a law made by the Legislature of a State, the privisions of this article shall not apply unless such law, having been reserved for the consideration of the President, has received his assent'."

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 2, lines 2 and 3

omit "and shall be deemed always to have been".

(2) In page 2,

(i) line 4, *after* "article 13" *insert* "but subject to the provisions of article 31"; and

(ii) line 27, *omit* "or article 31".

(3) In page 2,

(i) line 5, *after* "no law" *insert* "made by Parliament"; and

(ii) *omit* lines 28 to 31.

(4) In page 2,

(i) omit lines 6 to 8; and

(ii) *for* lines 33 to 35, *substitute*:

"(b) clause (2) shall be *omitted.*"

Shri Sinhasan Singh (Gorakhpur Distt.—South): I beg to move:

In page 2, line 6, *after* "estate" *insert* "or property".

Shri A. K. Gopalan: I beg to move:

In page 2, line 6, *after* "estate" *insert* "or of any planation".

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 2, line 8, *after* "any such rights", *insert*:

"except when such estate or any such rights belong to—

(a) any person who owns or is an occupancy tenant or possesses other rights in an area measuring less than 75 acres of land;

(b) any person who at the time of acquisition of the estate or extinguishment or modification of rights owns property less than the minimum prescribed for the levy of Estate Duty by the provisions of the Estate Duty Act 1953 (34 of 1953); and

(c) any person whose total annual income does not exceed the minimum prescribed for exemption from income tax by the Income Tax Act, 1922 (XI of 1922);

(d) any person who is a member of the Scheduled caste or Scheduled tribe;

(e) any person who is an orphan, widow or disabled; and

[Pandit Thakur Das Bhargava]

(f) any person who is a retired military soldier, sailor, airman or officer;"

(2) In page 2, line 8, *after* "such rights" *insert* "for a public purpose".

'3) In page 2, line 8,

after "such rights" *insert* "on payment of such compensation as in the opinion of the State is adequate and proper".

Shri A. K. Gopalan: I beg to move:

(1) In page 2, *after* line 8, *insert*:

"(aa) the acquisition or requisitioning for a public purpose of any land, building or huts declared in pursuance of law to constitute a slum or of any vacant or waste land, provided that full market value as compensation for the loss suffered must be paid to the actual hut dweller, or"

(2) In page 2, *after* line 8, *insert*:

"(aa) the maximum extent of agricultural land that may be owned or occupied by any person and the disposal of any agricultural land held in excess of such maximum, whether by transfer to the State or otherwise, or

(aaa) the acquisition by the State of fallow land cultivable or uncultivable or the waste land or of any rights therein or the extinguishment or modification of any such rights, or".

Pandit Thakur Das Bhargava: I beg to move:

In page 2, *for* lines 9 to 15, *substitute*:

"(b) the taking over of the management of any property by the State for a period of not more than five years in order to secure the proper management of the property or the amalgamation of two or more companies or corporations in order to secure the proper management of any of the companies or corporations:

Provided that such taking over or amalgamation as the case may be, is in public interest and any profits or benefits accruing after deduction of proper expenses incurred for the benefit of persons beneficially interested in the property or the companies or corporations."

Shri U. M. Trivedi: I beg to move:

In page 2, line 10,

for "limited period" *substitute*:

"period not exceeding three years".

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 10,—

for "for a limited period" *substitute* "for a period of not more than five years".

Shri N. R. Muniswamy: I beg to move:

In page 2, line 10,

for "limited period" *substitute* "period not exceeding five years".

Shri Tulsidas: I beg to move:

In page 2, line 10,

after "a limited period" *insert* "not exceeding three years".

Shri Tek Chand: I beg to move:

In page 2, line 10,

after "limited period" *insert*—

"not exceeding six years".

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 2, lines 10 and 11,

for "either in the public interest or" *substitute* "in public interest".

(2) In page 2, lines 10 and 11,

for "either in the public interest or" *substitute* "in public interest or in furtherance of any other public interest".

Shri S. L. Saksena: I beg to move:

In page 2, line 11,

for "public interest" *substitute*:

"national or public interest".

Shri Tulsidas: I beg to move:

In page 2, lines 11 and 12,

after "proper management" *insert* "in case of mismanagement".

Shri S. L. Saksena: I beg to move:

In page 2, line 12, *add* at the end:

"to secure social justice or".

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 2, line 14,

for "either in the public interest or" *substitute* "in public interest".

(2) In page 2, line 14,

for "either in the public interest or" *substitute* "in public interest or in furtherance or any other public interest".

Shri Mulchand Dube: I beg to move:

In page 2, *omit* lines 16 to 24.

The Minister in the Ministry of Law (Shri Pataskar): I beg to move:

In page 2, line 17,

for "secretaries, treasurers" *substitute* "secretaries and treasurers".

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 19,

omit "or of any voting rights of shareholders thereof".

Shri Tek Chand: I beg to move:

In page 2, *omit* 20 to 24.

Shri U. M. Trivedi: I beg to move:

In page 2, line 21,

after "licence" *insert* "in favour of an alien person or corporation".

Shri Sadhan Gupta (Calcutta—South-East): I beg to move:

In page 2, line 23,

after "mineral oil" *insert*:

"or for the purpose of supplying power, light or water to the public,".

Shri A. K. Gopalan: I beg to move:

In page 2, line 23,

after "mineral oil" *insert* "or for the purpose of supplying power or light to the public".

Shri Tulsidas: I beg to move:

In page 2, line 24, *add* at the end "for a public purpose".

Shri S. V. Ramaswamy: I beg to move:

In page 2, line 27,

omit "article 14".

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 27,

omit "article 14, article 19 or"

Shri U. M. Trivedi: I beg to move:

In page 2, *for* lines 28 to 32, *substitute*:

"Provided that such law shall be made only by the Parliament; and".

Shri N. C. Chatterjee: I beg to move:

In page 2, *after* line 32, *insert*:

"Provided further that such law makes provision for such compensation as in the opinion of the authority making the law is necessary or adequate:

Provided also that when such law is passed by the legislature of a State, the same shall be submitted to each House of Parliament and the Resolution of each House embodying the views thereof shall be forwarded to the President for his consideration before he gives his assent to the same."

Shri Nambiar (Mayuram): I beg to move:

In page 2, *after* line 32, *insert*:

"(aa) in sub-clause (a) of clause (2), *after* the word '*muafi*' the word 'janmam' shall be *inserted*."

Shri Pataskar: I beg to move:

In page 2, *for* lines 33 to 35, *substitute*:

"(b) in clause (2),

(i) in sub-clause (a), *after* the word 'grant', the words 'and in the States of Madras and Travancore-Cochin any *janmam* right' shall be and shall be deemed always to have been inserted; and

(ii) in sub-clause (b), *after* the word 'tenure-holder', the words '*raiyat, under-raiyat' shall be, ano* shall be deemed always to have been inserted."

Mr. Chairman: All these amendments are before the House.

Pandit K. C. Sharma: Sir, I have been listening to the speeches on the amendment of the Constitution and with all respect to my friends, I think, there have been many misunderstandings.

It is true that property has respect and must need respect, not because it has anything inseparable with life itself, it is not an inseparable accident, but because it is the result of the labour and toil of life. If life is respectable, whatever is produced through it is certainly respected. It is no use saying, you don't respect property. If you don't respect property, you don't respect life, because it forms part of the individuality of the man. Having said that, I beg to submit that the conception of property had changed a lot from the old classical law to the present jurisprudence. Therefore, the old law as my hon. friend Mr. Tek Chand quoted, does not hold good. It has no meaning in the present context. I beg to submit a quotation from Spengler, not a very revolutionary writer. He says:

> "The classical law is a law of bodies, while our law is a law of functions ....."

Therefore, the function or use of property should be judged in relation to its effect. From the functioning of the man, it has changed into the functioning of the society.

An Hon. Member: Is Spengler a jurist?

Pandit K. C. Sharma: He is a very great jurist and one of the greatest writers till now. You gain by reading him, though it taxes your brain a lot. Dealing with the law of functions he says:

> "The Romans created a juristic statics; our task is juristic dynamics. For us persons are not bodies but units of force and will and property is therefore not bodies, but aims, means and creations of these units. The classical relation between bodies was positional, but relation between forces is called action."

He further says:

> "The future will be called upon to transpose our entire legal thought into alignment with our higher Physics and Mathematics. Our whole social, economic and technical life is waiting to be understood, at long last, in this wise."

So, the function of property as a support and maintenance of life has ceased to exist. Its only importance lies in whether it enables an individual to work better and to work more. The conception of property was, first it was created by a particular individual. But now property is created by joint effort and that joint effort is made possible by social institutions. So, by evolution, property became a social institution and its use is to be decided by society. When this clause was being discussed in the Constituent Assembly, I moved an amendment and

I still hold that that was a better law. It ran as follows:

> "The Parliament may by law, in case the social and economic conditions so necessitate, provide for the socialisation of any class of property on such terms and conditions as provided in the law."

This was my stand when article 31 was discussed and I still hold that this would be a better law, because there would not come in any question of compensation. When you say compensation, it means just compensation and just compensation means the price prevailing in the market. Who is to decide this compensation—Court of law? If you say you will give compensation, but that compensation would not be questioned by the Court, it becomes a contradiction. Therefore, why do you say compensation? Say that property created by the joint effort of society and social enterprise should be used for its good. No society will take possession of the property of a poor man. That sort of tyranny cannot exist in any modern society, whoever may be the Minister. I am a Congressman; I like the Congress; I have suffered under its banner. If Pandit Nehru is not here, somebody else would be here; he would be as wise as the present occupant of the Prime Minister's chair. Ours is a big country and many great persons will come and do greater things. It is not one man's monopoly alone to do this or that. The whole thing is a process of social evolution. You raise a magnificent edifice, but it is the lucky hand that puts the last brick.

There is nothing very significant about this Bill. Taking stock of the present situation, I may cite two authorities. One is from the German Constitution, where it is said that the property belongs to the society. Property can be expropriated or used in any way if the social interest so requires. Another is from the American Constitution. It runs thus:

> "When private property is taken for a public or semi-public purposes, the constitutional requirement is that just compensation must be paid to the owner. But how is that compensation determined? As a matter of practice, the officers of Government first make their own evaluation and offer the owner what they deem to be just. The owner in most cases rejects this offer and asks for more. Then by the usual process of bargaining and agreement some compromise figure might be reached. But if the owner cannot get what he believes to be fair compensation in a way he has an appeal to the court. This is important, but it is allowable to have the decision made by an administrative tribunal with no appeal to the regular court on a question of fact."

This is from a book on American Constitution. Therefore, all over the world the property question is not always to be decided by a court of law. It is done by the administrative tribunal for the good of the pepole.

Mr. Chairman: The following are the selected amendments to clauses 4 and 5 of the Constitution (Fourth Amendment) Bill, 1954, which the hon. Members have indicated to be moved, subject to their being otherwise admissible:

Clause No.	*No. of amendments*
4	84, 115, 85.
5	88, 12, 89 (same as 12) 116, 91.

Pandit Thakur Das Bhargava: I beg to move:

In page 2, line 39,

after "any existing law" *insert* "except in so far as the President may by order otherwise direct".

Shri R. D. Misra: I beg to move:

In page 2, line 40, *after* "before" *insert* "or after".

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 3, lines 2 and 3,

omit "or the Legislature of a State"

[Pandit Thakur Das Bhargava]

(2) In page 3, *omit* lines 7 to 12.

Shri Sinhasan Singh: I beg to move:

In page 3, *omit* lines 11 and 12.

Shri Pataskar: I beg to move:

In page 3, *after* line 21, *add*:

"20. The West Bengal Land Development and Planning Act, 1948 (West Bengal Act XXI of 1948) as amended by West Bengal Act XXIX of 1951."

Shri Nambiar: I beg to move:

In page 3, *after* line 21, *add*:

"(20) The Malabar Tenancy Act 1929 (Madras Act XIV of 1930) as amended by the Acts of 1951 and 1954 (Madras Acts XXXIII of 1951 and VII of 1954)."

Mr. Chairman: All these amendments are before the House.

Shri K. K. Basu: We have got a basic amendment.

Shri V. G. Deshpande: There has been no discussion on the clauses.

Mr. Chairman: My difficulty is that it is now 2-15. Only one hour and fifteen minutes have been allotted to clause 2. If the House so wishes, I have no objection to more time being devoted to the clauses, provided it can be adjusted against the time allotted for the third reading.

Shri Mohiuddin (Hyderabad City): The amendments were read out by you only about a couple of minutes back, and you are asking the Law Minister to reply.

Mr. Chairman: As a matter of fact, when the Speaker was in the Chair he asked hon. Members to send the numbers of the amendments which they wanted to move and they had been sent. The announcement was made now, that is all. That makes no difference at all. I would also like to point out that none of the hon. Members who have spoken has referred to any amendment.

Shri N. C. Chatterjee: Only one mover of the amendments had a chance to speak.

Mr. Chairman: If I allow all the hon. Members to have their say, the whole time will be taken up on clause 2. I have no objection to extending the time if the hon. Member wants that only clause 2 need be discussed. But clause 3 is equally important. Therefore, I am very sorry I cannot give any more time.

Shri Sinhasan Singh: At least those Members who have moved amendments should be given an opportunity to explain the purport of their amendments. Most of the hon. Members who have participated in the discussion have made general speeches without referring to any amendments, and the amendments are going to be voted on in a few minutes.

Mr. Chairman: The hon. Member is an old Member of this House. He knows that so many amendments are given and they are taken as having been moved. This is the usual procedure: there is nothing unusual about it. If I allow the hon. Member to speak now he himself will realise that all the time will be taken up on clause 2 alone. I would, therefore, call upon the hon. Law Minister to reply.

Shri V. G. Deshpande: Since yesterday I have been asking for more time. The Constitution is a very important document. The House is not in a mood to extend the time. The clauses are considered hurriedly; the amendments suggested by us are not taken into consideration; the amendment of the Constitution is being thrust upon the House.

Mr. Chairman: The hon. Member has already said it more than once, and his repeating it twice or thrice is

not going to improve matters. The House has already accepted the allotment of time to the different stages and when the House accepts a thing the House ought to stick to it and co-operate with the Chair; otherwise, the Chair is helpless.

Shri V. G. Deshpande: But what is this?

Mr. Chairman: The hon. Member should not grouse like this and so vociferously.

Shri V. G. Deshpande: What else can I do, Sir?

Mr. Chairman: He himself will realise that it is difficult for the Chair to maintain discipline in the House, if he adopts this kind of behaviour.

Shri Pataskar: Sir, I would appeal to hon. Members, apart from whatever opinions they may hold, to look at what we are doing in clause 2 in a more dispassionate manner. There is already article 31(1) in which we have made no change. It says that "no person shall be deprived of his property save by authority of law." There is nothing new in it. In all constitutions you will find some such provision made of that character.

Then there was another clause, clause (2). On account of the word "compensation" occurring in it and the relationship between clauses (1) and (2) of article 31, the whole article was interpreted by Judges of the Supreme Court in a different manner and the whole thing became a little out of tune with the times. It is not our contention that they were wrong, or somebody else was right. It so happened that in one of the cases to which my hon. friend Mr. Chatterjee referred, there was a difference of opinion among the judges themselves. Therefore, we started by amending the clause in such a way that it should clear matters beyond doubt.

Now, what are we doing in clause (2). We are only adding that no such law shall be called into question in any court of law on the ground that the compensation provided by that law is not adequate. The hon. the Leader of the House as well as the hon. Home Minister have already given explanation as to the necessity of having a provision of this character. It is not as if we are trying to remove the jurisdiction of the Supreme Court itself. The point is that there are certain matters which can more appropriately be dealt with by Legislature.

Then what is clause (2A)? Clause (2A) says:

> "Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property .....notwithstanding that it deprives any person of his property."

We want to make clear the distinction between article 31(1) and article 31(2). I listened carefully to all the arguments advanced with respect to the administration of certain of the laws, passed before the Constitution came into being or subsequently. I am not aware whether all those complaints are true or not. But one thing is clear. What we are trying to do is not to leave the powers in the hands of the executive. This is meant to cover cases where a law does not make any provision. It means a law passed either by this Parliament or a State legislature. If there are difficulties as regards compensation as a result of the operation of any particular law, the matter should be approached in a different way. You may change the law itself, for which there will be no constitutional difficulty. Therefore, I do not see how a Constitutional provision which we are making here is going to be affected by any serious defects in the administration of a particular law which has been passed either by this House or by the legislature of a State. We are only invest-

[Shri Pataskar]

ing the Parliament or the State legislature with power to pass a law. All this will apply only to laws. It is stated here, the law shall not be called in question, this law shall not be void, etc. In the democratic set up of things which we are following, we cannot always start by distrusting those to whom we give authority to pass laws for different social welfare purposes. Much of the apprehensions are due to the fact that there is confusion between a mere executive act and the passing of a law by a duly constituted representative legislature, whether it is a State legislature or the Parliament.

Shri Tek Chand: Does not 'law' include notifications, bye-laws, rules, made by the executive?

Shri Pataskar: A notification will be issued only after a law is made: not independently, as my hon. friend knows. The first and preliminary thing that we are dealing with is a law. At this stage, it is the legislature of a State or the Parliament which will see in what respects subordinate legislation is to be allowed to the executive. All the same, so far as the provision in the Constitution is concerned, I would like to point out to the hon. Members for a dispassionate consideration that all these things have application to the laws which may be passed by either the States or the Centre. As such, I think it is too late in the day to start arguing as if the legislatures are bodies which ought always to be distrusted. How can you proceed, in any democratic set up, on that basis? I am sorry, with great respect, having given due consideration to all the amendments which has been moved, I am unable to accept any of them for the simple reason that all of them are due to misapprehension about what we are doing by this Bill.

Shri N. C. Chatterjee: May I ask the hon. Minister to consider the amendment or a portion of the amendment which stands in the name of Pandit Thakur Das Bhargava, amendment No. 30, consolidated list No. 1, page 1. Assuming that we accept the hon. Minister's stand and make the quantum of compensation non-justiciable, is there any objection to his accepting the suggestion that so far as property which belongs to any person who at the time of acquisition owns less property than the minimum prescribed for the levy of Estate Duty by the provisions of the Estate Duty Act or property which belongs to any person whose total annual income does not exceed the minimum prescribed for exemption from income-tax by the Income-tax Act, is concerned, there will be paid fair compensation?

Shri Pataskar: May I appeal to the hon. Member to see what is the implication of an amendment of this nature?

Shri N. C. Chatterjee: The implication is.....

Shri Pataskar: The implication is—I will give out my views—this. There will be a legislature which will try in the case of these poor people for whom we have regard, to make proper provisions. We think that the poor people should be necessarily given full compensation. Why is it necessary to make a provision like that in the Constitution? Because, we are afraid, we apprehend that the representatives of the pepole in the legislature will try to deprive the poor people of the compensation and they may not be given adequate compensation. I think all these fears are unjustified.

Not only that. It is a dangerous thing that we should bind the hands of the future Legislatures by laying down something which may change according to circumstances. For instance, it is stated here, who does not pay Income-tax. It may vary. What is the minimum for Estate Duty? It may vary. Why not better leave the matter to the legislature? After all, if we want to proceed in a democratic way and develop it, it is better to trust our own people. Don't try to put clogs in the way of the people themselves. We think that this principle

should be there and therefore we say they will do it. Why distrust? I am sure, not only because of the assurance which we give here as belonging to the present Government, but in any set up in this country, nobody will think of harming the interests of the poor people or depriving them of their property without giving them compensation and still continue in office professing to do good to the people. I cannot imagine that. Therefore, my submission is, it is better to leave it to the legislatures. Trust creates trust. Let us trust the future legislators, whoever may come, to do the right. I think it is not desirable, I do not see how in a constitutional measure this sort of provision is necessary. All these considerations would arise when you are taking away the property of the small man without paying compensation. They would be considered while enacting the law for that. While framing the constitutional provision, a provision like this shows that we distrust the legislatures and fear that they will not act justly.

Shri N. C. Chatterjee: It is not a question of distrust. We give a mandate to anybody in India when we are making it non-justiciable, if you do not pay them compensation, go to a court and realise the compensation. That is a constitutional guarantee.

Shri Pataskar: That means distrust.

Clause 3.— (*Amendment of Article 31A*).

Mr. Chairman: We have discussed clause 2 and the amendments. As clause 3 is very much connected with clause 2, we propose to take up clause 3. I shall put the amendments as well as the clause after the discussion on clause 3 is finished. I have already announced the amendments to clause 3.

श्री सिंहासन सिंह : क्लाज़ ३ पर मैं ने एक अमेंडमेंट दिया है कि after "state" "or property", यह शब्द और जोड़ दिये जायें ।

यहां इस सम्बन्ध में काफी चर्चा और बहस रही कि संविधान का जो हम संशोधन कर रहे हैं, उस से जनता के गरीब व्यक्तियों को धनियों की अपेक्षा ज्यादा नुकसान पहुंचेगा अब इस नये ३१ए के अन्दर जो हम ने "स्टेट" को अलग रूप दिया है उस से मुझे अंदेशा हो रहा है कि स्टेट को जमीन से सम्बन्धित विषयों पर ही क्यों ज्यादा ध्यान है और अन्य स्थलों पर गवर्नमेंट का ध्यान नहीं है । अभी मुझे कुछ सरकार की तरफ से संकेत भी मिला कि सरकार क्यों बड़ी बड़ी इंडस्ट्रीज को लेना नहीं चाहती । सन् १९४८ में जब भारत सरकार ने अपने आर्थिक ढांचे के सम्बन्ध में वक्तव्य प्रकाशित किया, उस में आप ने यह कहा है कि दस वर्ष तक किसी इंडस्ट्री में किसी तरह की दखल नहीं दी जायेगी । उस के बाद सन् १९५४ में जो हम ने अपना आर्थिक दृष्टिकोण रक्खा तो हम ने सामाजिक दृष्टिकोण रक्खा और आबड़ी कांग्रेस का जो बहुत वर्णन चल रहा है उस के अन्दर भी सामाजिक दृष्टिकोण रक्खा, लेकिन अभी इसी भवन के अन्दर कहा गया है कि हम इंडस्ट्रीज को नहीं लेंगे और इसलिये नहीं लगे क्योंकि वह "आउटमोडेट इंडस्ट्रीज" हैं और उन के लेने में हमें जितना मुआविजा देना पड़ेगा, उतने मुआविजे में तो हम नई इंडस्ट्रीज अपनी स्वयं बना सकते हैं । इस से मेरे दिल में यह भाव उठा कि सरकार के मन में दो तरह के डिस्क्रिमिनेशन की भावना है । एक तरफ तो जो धनी वर्ग है जो पूंजीपति हैं, उन को छूना नहीं है और अगर उन को कभी छूने की नौबत आई भी तो उन्हें शायद पूरा मुआविजा देने का संकल्प भी है, क्योंकि सरकार समझती है कि जितना मुआविजा हम उन को देंगे उतने से तो हम अपनी नई इंडस्ट्रीज खड़ी कर लेंगे, और इस के मानी यह होते हैं कि इंडस्ट्रीज को लेने में हिचक हो रही है लेकिन इस के विरुद्ध सरकार को छोटी छोटी जमीनों को लेने में कोई हिचक नहीं है और इस सम्बन्ध

[श्री सिंहासन सिंह]

में मैं आप का ध्यान देहली लैंड ऐक्युजीशन एक्ट, १९४८ की तरफ दिलाना चाहता हूं और आप को बतलाना चाहता हूं कि इस से गरीब काश्तकारों को कितनी दिक्कत हुई है और नतीजा यह हो रहा है कि आज वे बेचारे दाने दाने को मोहताज हैं। इस कानून को संविधान में संशोधन कर के सही करार दे रहे हैं। इस कानून को हाईकोर्ट ने गैर कानूनी करार दे दिया है और अब हम संविधान में संशोधन कर के इस को वैलीडेट कर रहे हैं। उन एग्रीकल्चरिस्ट्स को जिन को कि इस कानून से आघात पहुंचा है और जिन की कि जमीन छीनी गयी है, उन के आंकड़े उन लोगों ने दरख्वास्त के रूप में प्रधान मंत्री को दिये हैं और कुल ११८ खानदान अपनी जमीन से बेदखल हो रहे हैं।

११८ आदमी जिन की जमीनें ली गई हैं उनमें से २० ऐसे हैं जिन के पास अब आधी एकड़ से ले कर ३ एकड़ तक बची है। एक व्यक्ति ऐसा है जिस के पास ४ एकड़ जमीन थी अब उस के पास केवल आध एकड़ जमीन ही बची है, उस की साढ़े तीन एकड़ जमीन ले ली गई है। पांच छः बरस हो गये हैं लेकिन उन को अभी तक एक पैसा भी मुआवजा नहीं दिया गया है। यह जो ४२, ४३ एकड़ जमीन इन गरीब काश्तकारों से ली गई थी वह जिन लोगों के लिये ली गई थी उन लोगों को नहीं दी गई बल्कि यह कुछ तो रिहैबिलिटेशन कारपोरेशन को दे दी गई और कुछ एक रिफ्यूजी हाउसबिल्डिंग नामक एक संस्था है उस को दे दी गई है। सिर्फ १५०० एकड़ ऐसी जमीन है जिस पर कि कुछ कंस्ट्रक्शन हो रही है लेकिन बाकी की जमीन पर कोई मकान वगैरह नहीं बन रहे हैं। यह जमीन जो इन दो कम्पनियों को दी गई है इसलिये दी गई है कि इन कम्पनियों से कुछ बड़े आदमी सम्बन्धित हैं। एक कम्पनी में तो सर सिरी राम हैं और दूसरी में बाबा नत्था सिंह और बक्शी टेक चन्द हैं। बाबा नत्था सिंह तो उस के चेयरमैन हैं और बक्शी टेकचन्द उस के शेयरहोल्डर हैं। सिर्फ १५०० एकड़ जमीन, जिस का कि मैं जिक्र पहले कर चुका हूं, को छोड़ कर सारी की सारी इन को दे दी गई। यह जमीन सीधे रिफ्यूजीज को न दे कर इन कम्पनियों के जरिये उन को दी जानी है। अब जो मुआवजा उन को जिन की जमीन ली गई है दिया जा रहा है वह है एक आना और दो आना पर स्क्वैयर यार्ड। इस के विपरीत जिस कीमत पर यह जमीन आगे दी जायेगी वह है १० और १५ रुपये पर स्क्वैयर यार्ड। इस तरह से यह लोग फायदा उठाते जा रहे हैं। अब आगे क्या होगा। जब कभी भी जमीन लेनी होगी तो वह २ (ए) के अन्दर ले ली जायेगी और अपने कानून में तरमीम कर दी जायेगी और कहा जायेगा कि यह गवर्नमेंट के लिये जमीन नहीं ली जा रही है या कारपोरेशन के लिये और इस प्रकार इस का एक पैसा भी मुआवजा नहीं दिया जायेगा ऐसा विधान बना कर गरीबों के साथ सोशलिस्टिक पैटर्न आफ सोसाइटी के नाम पर हम बहुत सख्त गलती कर रहे हैं और ऐसा नहीं होना चाहिये। इन गरीबों के साथ जिन की जमीन ली जानी है इन्साफ होना चाहिये। हमें इन गरीबों का जरूर ख्याल रखना चाहिये। अभी दिल्ली ही में क्या हुआ। हम ने १४८ परिवारों की जमीनें ले कर उन्हें जो कि दिल्ली के इर्द गिर्द बसे हुए थे और सटे हुए थे, बरबाद कर दिया। इस के अन्दर एक और बात देखने में आई और वह यह है कि इन लोगों की जमीन के पास ही ११५ एकड़ जमीन डी० एल० एफ० (दिल्ली लैंड एंड फाइनेन्स) की थी उस को हम ने छोड़ दिया और इस का कारण यह था कि इसमें कई बड़े बड़े आदमी थे जिन्हों ने अपने इन्फ्लुएंस से ऐसा नहीं होने दिया।

मुआवजे के बारे में भी ऐसा ही हुआ। इस जमीन के साथ ही साथ एक बड़े आदमी की जो जमीन ली गई उन को तो पांच रुपये फी वर्ग गज के हिसाब से मुआवजा दिया गया और इन छोटे आदमियों को कहा जाता है कि तुम एक आना और दो आना पर स्क्वेयर यार्ड के हिसाब से मुआवजा ले लो। इन का नाम जिन को पांच रुपये पर यार्ड के हिसाब से मुआवजा दिया गया है देशबन्धु गुप्ता है। बड़े आदमियों को बड़ा मुआवजा और छोटों को छोटा मुआवजा देना कहां का इन्साफ है। साथ ही साथ किसी की जमीन को तो छोड़ दिया गया और किसी की ले ली गई, इस तरह का डिस्क्रिमिनेशन हुआ है।

डा० लंका सुन्दरम : डी. एल. एफ. के कौन डाइरेक्टर हैं ?

श्री सिंहासन सिंह : इन्हीं के बारे में तो मैं जिक्र कर रहा था कि इस में बड़े बड़े आदमी हैं।

मेरी प्रार्थना है कि जब कोई जमीन रिफ्यूजीज के लिये ली जाती है तो उस जमीन को सरकार अपने कब्जे में रखे और अपने जरिये से ही देवे। जो पैसे वह इन से ले वही पैसा उन को जिन की जमीन ली गई है मुआवजे के रूप में दे। ऐसा तो नहीं होना चाहिये कि जिन की जमीन ली जाये उन को एक आना और दो आना पर यार्ड के हिसाब से मुआवजा दिया जाय और जिन को आगे जमीन दी जाये उन से १० रुपये और १५ रुपये पर स्क्वेयर यार्ड के हिसाब से चार्ज किया जाये। इस किस्म का डिस्क्रिमिनेशन नहीं होना चाहिये और इन चीजों को हमें खास ख्याल रखना चाहिये।

दूसरी बात जो मैं कहना चाहता हूं वह अपनी उस अमेंडमेंट के बारे में है जो कि मैं ने दी है। इस अमेंडमेंट में मैं ने चाहा है कि 'एस्टेट' के बाद 'प्रापर्टी' के वर्ड भी होने चाहियें। इस के रखने से यह फायदा होगा कि जब कभी स्टेट को किसी प्रापर्टी पर कब्जा करना होगा तो वह यह भी कर सकेगी। अगर आप इस का कार्य क्षेत्र सीमित रखते हैं तो आप के रास्ते में मुश्किलें आयेंगी जब आप को किसी प्रापर्टी पर अधिकार करना होगा। साथ ही साथ इस धारा ३१(ए) का असर एक क्लास आफ सोसाइटी पर हो और दूसरी क्लास आफ सोसाइटी पर न हो यह ठीक चीज नहीं है। सब पर यह एक सा लागू होना चाहिये। हम इस को एक पर लागू करें और दूसरे पर न करें तो यह हमारे लिये कोई उचित या शोभा की बात नहीं है। इसलिये मेरी प्रार्थना है कि अगर मेरी तरमीम मान ली जाये तो यह दोनों क्लासिस आफ सोसाइटी पर एक सा लागू होगा और इस में वो भिन्नता नहीं रहेगी जो कि इस में अब है।

Shri Damodara Menon (Kozhikode): I am speaking on amendment No. 114 moved by the hon. Minister of Law. I am thankful to the hon. Minister for moving this amendment. I have given notice of a similar amendment, but I am not moving it in view of Government having moved this amendment.

This is a very simple amendment which seeks to include the *janmam* rights of the States of Madras and Travancore-Cochin within the scope of this amending Bill. I may inform the House that *janmam* right is something peculiar to the land tenure of Malabar as well as Travancore-Cochin State. The *jenmi* is supposed to have absolute right over the property, over vast acres of land, and it is a matter of doubt whether the definition of 'estate' as it is now found in article 31A will include *janmam* rights. To remedy that defect I think this amendment is now sought to be introduced.

The *jenmis* of Malabar own about 2,500 square miles of very rich forests in Malabar. If we and the State Legislatures wish to take over these lands or these forests or nationalise these forests, we shall find, if this amendment is not accepted, that it is neces-

[Shri Damodara Menon]

sary to give compensation according to the present market rate, which will be very high. These forests have come to these *jenmis* by something in the nature of a legal fiction, and there is no justification for refusing to the Legislatures the right to fix the compensation for these forest lands. The *jenmis* also own peculiarly in Malabar the right over river-beds too, so that if in the next Five Year Plan in Malabar district Government want to put up electric pumps for small irrigation purposes, even then the *jenmis* are likely to demand compensation for that. So, with a view to obviate these difficulties, this amendment is introduced.

I might also inform the House that the Madras Legislature passed in 1952 the Malabar Tenancy Act. That Act has been challenged in the High Court of Madras now by the *jenmis* on the ground that the Act has taken away some of their rights. From time immemorial the *jenmis* had the right of getting renewal fee. That right has been taken away by the Malabar Tenancy Act. The Act also gives fixity of tenure to the small tenants. The *jenmis* hold that the Act has taken away their property right in the matter of renewal fees as well as in the matter of fixity of tenure without paving any compensation. On that the Madras High Court has not given its judgment so far. In any case, it is better to be very cautious in this matter and include this amendment so that the Malabar Tenancy Act may be saved from the challenge before the court.

Shri Sadhan Gupta: The ways of 'Avadi' socialism appear to be very strange. Before the Bill went to the Select Committee, there was provision in clause 3—article 31A—for the purpose of protecting the acquisition of land which was surplus after the ceiling fixed for the purpose of abolishing landlordism. There was a provision for slum clearance, and the Prime Minister was very forceful in his statement that slums are a crime and there should be no compensation for clearance of slums or there should certainly not be full compensation for clearance of slums. That was included there. There was mention of undertakings for the Supply of power, water and light. Now, by a strange process—I do not know on what basis of reasoning—all these have disappeared from the Bill. We want to make it clear that we on this side of the House—I can say on behalf of my Party—we want those provisions back with, of course, certain modifications. I do not see, if we do not reintroduce the provision about the ceiling on land and the transfer of surplus land, how we can maintain our land reform legislation. How can we really carry forward a suitable programme that we plan for if we are asked to give compensation to every parasitical vested interest for taking over the lands surplus to the ceiling? I cannot dwell on the injustice of it because I have not much time, but this much is clear that there are many big landlords who have acquired vast properties and whose holdings are a positive brake on our agricultural production. And if we have to take their land on payment of compensation, if we have not the right, in suitable cases, to take away some of their land without compensation, then we shall never make progress with our land reform and we shall be imposing impossible burdens on our poor people.

Then about slum clearance, we of course agree that in a slum where the hut dweller is a victim, alternative arrangement must be made for him, for he must receive suitable compensation for being evicted. Where there is a small hut owner who owns one or two huts and rents them out, he may receive compensation. But why should a person who carries on a filthy business in slums in a huge tract of land receive compensation for our doing something which society cries for and which is absolutely essential? Therefore, we want to introduce that provision about slum clearance and about compensation to hut dwellers.

There was a provision about waste land in the Bill as it was originally introduced. Now, that provision has disappeared. We have to distribute land among the peasants. Many of our people are landless, many of our people have not adequate land, and in order to be able to give them land, we have to take charge of waste land. If we impose a burden of compensation for acquiring that waste or fallow land, then we will again be imposing an impossible burden. Therefore, why should we not have the power, when necessity arises, to acquire waste and fallow land for the purpose of distribution to the tillers of the soil, whether agricultural labourers or poor peasantry—those who have not sufficient land to maintain themselves? Therefore, we want that provision reintroduced.

There is another omission which is rather significant, the omission of the provision which included undertakings for the supply of power, light and water in the list of acquisitions which could be made without compensation. Now, we know that many of these undertakings are foreign-controlled; they are not only foreign-controlled, but they are using the monopoly which most of them have in respect of supply of electricity, for example, in a very unconscionable manner. I can say in regard to the Electric Supply Corporation of Calcutta, for example, that they have monopoly in relation to a huge industrial area, and their profits are unbounded today. For every worker, they make a profit of Rs. 3,000, and yet they never want to satisfy the legitimate claims of the workers. They are required to pay back the profits to the consumers, that portion of the profits which is above a reasonable return, but they do not pay that. Still, even their rights are today guaranteed, their right to obtain compensation is guaranteed. The time at my disposal is very little; otherwise, I would have been able to expose the whole inequity of it.

The same applies to plantations. These plantations—tea estates—are controlled by Europeans; the bulk of the value is controlled by Europeans and they have exploited our labour and our people generally in a most unconscionable manner. They acquired these plantations very cheap and today we cannot take them over; we cannot take them over for the purpose of our land reform; we cannot take them over for the purpose of distribution; we cannot take over the fallow lands that they keep for the purpose of distribution to our peasantry. And that is the sort of provision that the Government want to introduce in the Constitution. We must have the right, whenever necessary, to take over the plantations without compensation. They have compensated themselves amply out of the exploitation and we have to take them over without compensation.

Lastly, I do not see why there is this suspicion of the State Governments. Why should legislation enacted by the State Governments be liable to be vetoed by the Central Government? Therefore, this proviso is meaningless. The State Government is the government in charge and the State legislature is the legislature in charge of land reforms and therefore, it is very necessary that their discretion should not be interfered with by persons who know next to nothing about the States. Therefore, this veto of the Central Government should not exist.

Shri Tek Chand: With regard to clause 3, there are three amendments standing in my name. One is the amendment which, with your kind permission, I have moved and which reproduces amendment No. 51 by Pandit Thakur Das Bhargava. In that I am asking that the words 'and shall be deemed always to have been' be omitted. The reason is this, that a Constitution, as much as any law—and more so—is intended to be not retrospective but prospective. But this measure is retro-active. I understand

[Shri Tek Chand]

that the Government has given some indication that it is likely to accept this amendment. That being so,.....

Shri Pataskar: There is no indication. I would like to hear him, of course.

Shri Tek Chand: The position is that, so far as clause 3 is concerned, which substitute a new article for 31A, the words are:

> "for clause (1), the following clause shall be, and shall be deemed always to have been, substituted....."

The point underlying the amendment is that this substituted provision you are passing today should be prospective and not retro-active. That is to say, it should not be deemed to have been enacted as if from the date of the Constitution itself. That is to say, if anything has been done validly and lawfully under the Constitution so far, which was sanctioned by the Constitution up till today, that sanction the Constitution should not take way retrospectively. That is to say, if any set of persons on the faith of the Constitution, on the faith of its sanctity have acted in a certain manner, validated and enjoined by the Constitution, you should not say what the Constitution sanctioned yesterday it is going to take away today or tomorrow. By all means, from now onwards everybody knows what the new article 31A is and let them beware. That is to say, you are catching people unawares. You are lulling people into a sense of false right and false security. When something has been done according to the Constitution, you simply turn round and say, from tomorrow, whatever was sanctified and sanctioned by the Constitution shall be deemed to have been absolutely erased as if the Constitution had never sanctified anything. Therefore, any constitutional guarantee that you are going to give today, if those are taken away six months hence, it would be very hard—by applying the rule of retroactivity. It is an unfair rule, illogical rule and it is an unreasonable principle.

Regarding my next amendment, 110, that relates to (b), wherein you say,

> "Notwithstanding anything contained in article 13, no law providing for—
>
> (b) the taking over of the management of any property by the State for a limited period....."

So far as it goes, it sounds reasonable. But, when you subject it to closer test, it is not reasonable as it is worded. So far as the *sententia legis* is concerned, so far as the intention behind the law is concerned, it is acceptable and it is unexceptionable. But, so far as the *litera legis* or the *varba legis* are concerned, so far as the language in which you are couching your law is concerned, that is fallacious. Limited period means any period for which there is a stated limit, which is definite. If you were to say we propose to manage this particular company for a period of 999 years, it is perfectly permissible because it is a limited period. But, herein, you say a limited period without specifying the ceiling. It is no use saying that it is for a limited period because it happens to be for 999 years. Therefore, my amendment is that if you propose to take over the management of any property in public interest or to secure proper management of the property, please specify the period, call it six years, call it 99 years, call it what you like, but it should not exceed a limit within reasonable contemplation. I have suggested six years or more or less that limit. The utmost limit should be specified. Otherwise, if you say a limited period without specifying the limit, it becomes an unlimited period.

Lastly about (e),—my amendment is 113—wherein you say that any rights acquired by virtue of an agree-

ment, lease or licence with respect to mineral or mineral oil can be prematurely terminated or even cancelled. Now, I put it to you. It is unfortunate that in this great country of ours, rich in meneral wealth, minerals have not been exploited. There is no prospecting worth the name for minerals or for mineral oil. Supposing, a concern, a company or a body of individuals were to come along and say, 'please grant us a lease whereby we may try, we may probe into the interestics of earth and if we get anything from the bowels of the earth in the farm of minerals or mineral oil, we are willing to sink lakhs', you say, very good and go ahead. You grant them a licence or lease for a stated period. If luck is there and he strikes mineral oil after having sunk lakhs, you say, 'you have been successful' and invite his attention to clause 3(a) and say, 'though in all earnestness and in all sincerity we gave you the licence for a stated period, but now that you have been successful in striking oil or getting hold of minerals, we have a right under the Constitution to terminate that agreement and we forswear that word, or we withdraw that word'. I submit that a Constitution which permits anybody, much more so a State, to enter into an agreement or lease for a stated period or a licence for a period and then to cancel it, is not good. It does not behove the Constitution of a country to say, we have entered into it but we can cancel it and we forget whatever you have sunk or invested in it. In order to do some prospecting—and prospecting should be done in a country like this—it should not be forgotten that people will not do any prospecting if they are lulled into false contracts. The amendment which you are going to pass should be suitably worded.

Shri Patagkar: Sir, so far as this clause is concerned.....

Shri N. C. Chatterjee: I want to put one question, if you will allow me. It cannot take more than a minute.

You know in clause 3, for article 31A, we are taking power that in certain categories of properties, practically all the fundamental rights are being negatived; articles, 14, 19, 31 and 13 are being made inoperative. The Prime Minister said in his speech—

> "We go a step further to enumerate the number of matters through which parliamentary power in regard to compensation will be supreme and will not be liable to any decision contrary to it by the judiciary."

He said that there is no question of complete confiscation. We shall decide whether any compensation has got to be paid or not but it will be made completely non-justiciable. He said that Parliament will have a voice in the matter.

You know that in some of these matters, the State Legislatures will also have the power and therefore a proviso has been put down—

> "Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent."

I am suggesting if you kindly look at the consolidated list, page 23, No. 25, it is said that when such a power is being exercised by the State Legislature, some safeguards should be imposed. My suggestion is this:

> "Provided further that such law makes provision for such compensation as in the opinion of the authority making the law is necessary or adequate:"

I am saying that if any of the State Legislatures is exercising such power to make such law, which law will never be questioned in any court of law under any circumstances, then it should be made clear that they should apply their mind to the question of

[Shri N. C. Chatterjee]

compensation as to whether it is adequate or not.

The second proviso I am adding is:

> "Provided also that when such law is passed by the legislature of a State, the same shall be submitted to each House of Parliament and the Resolution of each House embodying the views thereof shall be forwarded to the President for his consideration before he gives his assent to the same."

What I am saying is that it should not be left merely to the executive to do it behind the back of the Parliament. It should be placed before Parliament and Parliament should have a chance, not of vetoing it, but of formulating its considered views on the matter and that should be placed before the President before he gives his assent. If any such expropriatory

3 P.M.

[SHRI BARMAN *in the Chair*]

legislation, which is completely immune from attack by any court, is enacted by a State Legislature, before the President gives his assent, Parliament should have the chance of formulating its view and placing it before the President before it becomes the law of the land. I am not saying that we shall veto it. I am not saying that we will trespass the exclusive jurisdiction of the State Legislature, but I am only saying that it should come before the Parliament and face the spotlight of Parliamentary criticism and we should have the privilege and opportunity of placing our views before the President before he gives his consent to it, and that would be in conformity with what the Prime Minister has said on the Floor of the House.

Pandit Thakur Das Bhargava: Will you kindly give me an opportunity to speak?

Mr. Chairman: The discussion is to finish by 3-43 P.M.

Shri Pataskar: I would like to hear the hon. Member's speech.

Pandit Thakur Das Bhargava: So far as clause 3 is concerned, it is one of the blackest clauses. I have heard the Prime Minister, the Home Minister and many other Members, but still I remain unconvinced. The truth of the matter is that if we are to rely on the assurances given by the Ministers, then nothing will be lost if the entire Constitution is wiped out.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Entire Constitution?

Pandit Thakur Das Bhargava: If we accept the assurances given by the Ministers, then there is no need for this Constitution as long as Panditji is there, as long as these Ministers are there. I am not afraid of anything and Shri Chatterjee is not afraid; all of us have unbounded faith in the Ministers and the Prime Minister, but at the same time I ask: Why did you frame this Constitution and why did you provide these Fundamental Rights? I know what these assurances are worth. I have seen them in this House; hon. Ministers give assurances and they forget them. I know that our Prime Minister has said at least thirty times in this House that so far as compensation is concerned, fair compensation shall be given in every case—not only fair, but, the Prime Minister used the words, 'adequate and proper' when he moved the First Amendment Bill in 1951. I know that what he says, he means, and it is not a question of formality. I really believe it. What he says, he perfectly means, but at the same time what do I find in the States? When a property is going to be acquired, it is a Deputy Commissioner, it is a Revenue Assistant, it is a Hospital Assistant, it is the *Thanedar* and such departments who first of all make a recommendation that such and such property is to be acquired, and if they have got to take a revenge against any person, they will choose that man's

property for acquiring or requisitioning. When it is acquired or requisitioned, it is very rare that full compensation is given by the courts or by the Collectors. That is not all. I maintain that unless and until you make your assurances part of the Constitution, I am not satisfied. Between the words that you say and those written in the Constitution, there must be some sort of compatibility. In the section you say that such a law will not be void even if it goes against article 31. What is article 31? That is the only section in which you provide for giving this compensation. You say that it will not be void even if it comes into conflict with article 31 and so, if any Legislature chooses, it may not give any compensation and a person will be absolutely left without a remedy. I want to have an answer to this from the Law Minister.

Shri N. C. Chatterjee: There is no answer.

Pandit Thakur Das Bhargava: Suppose the Legislature chooses not to give any compensation. I know it may not take place and it will be a rare thing, but at the same time I beg to ask him what is his objetcion to writing it in the Constitution that fair compensation will be given. He says that fair compensation shall be given. Why do you not write it in article 31A here? As a matter of fact, the acquisition will only be for a public purpose and on payment of a fair compensation. I have no objetcion to putting these words. But when you say that even where there may be a conflict with 31, 14 and 19, this blanket power is given, I do not agree, and my humble submission is that I am not satisfied, not because I have got any fears but because I know how this power might be misused by the States. You tell in your speeches how solicitous you are about the interests of the poor people and that you will not do this in their case, but why not agree to write it also in the Constitution itself? What objection can you possibly have to do so? I want to know the real answer. Either you are afraid that something may happen which may not be controlled by you or you do not really mean what you say. If these words are not there in the Constitution, what is the position? So far as section 31A is concerned, it differentiates between rural property and urban property. The word "estate" is defined in the Punjab Land Revenue Act as a piece of land for which a record of rights has been prepared and in other Acts also it is defined in the same manner, which means that the Government may not be forced to give any compensation in regard to all other property which will not be acquired under article 31. In regard to such properties as case under article 31 you give a guarantee that, the Legislature shall provide such compensation, however inadequate it may be. Why do you differentiate between these two kinds of property? In the first place, you wanted ceilings, etc., and now you have taken them away. Does it mean that you are not going to use these powers when it is a case of surplus property? I can understand that it has some meaning, but what do I find in the Report of the Joint Committee? They say that it is unnecessary to say that, which means that in regard to ceilings also, you can take the surplus land from all people at any compensation or at no compensation at all. I am not happy with the position. It is entirely wrong. If you really man it, say so, so that everybody, be it your enemy or your friend, may be satisfied that what you say you really mean.

The second point that I should like to submit is that in regard to the other things, except those contained in clause 3(a), there are certain other matters like management of property, management of factory, etc. Supposing there is mismanagement in a factory and Government takes it over under the Industries (Development and Regulation) Act, it is all right and I want that the said act may be ratified by this House. At the same time, I am quite clear in my mind that you must provide for this: If after you manage it for two years, you

[Pandit Thakur Das Bhargava]

succeed and make some profits, what will you do with the profits? You do not say a word about it here. The limited period may be 999 years as my friend, Shri Tek Chand, put it. In respect of this also, you must make it absolutely clear as to the limit of the period. I have submitted that five years may be taken as a good period. What is the objection to five years?

I submit that whatever you give an assurance about should be recorded in the law itself. Unless it is recorded in the law itself, I am afraid nobody can be satisfied with mere assertions or statements or platitudes.

Many hon. Members have referred to the Bastidara case and so far as the peasant proprietors are concerned, they have won the case in the High Court and it has been held that the amount of compensation provided in that Act was inadequate. The High Court has also held that the Act is not legally good. Therefore, if you pass this law and add it in the Ninth Schedule on the principle that it shall have retrospective effect, it will create a lot of hardship. According to what transpired in another place, to which proceedings I cannot refer, I have heard that an assurance was given that this wrong would be righted. But that may or may not be done. I hope the Law Minister would consider this from this point of view. Since you made a bad law, the people went to the High Court and got in corrected and it was hold that they were entitled to more compensation and that the market value of 1939 would not determine the amount payable. They have won the case. As soon as you pass this law, the effect of that High Court judgment will go away and it will be referred back again to the 1939 compensation value. May I humbly ask the hon. Minister of Law that if a person had 20 *bighas* of land and he was deprived of them and compensation was paid to him by virtue of which he can only buy two or three *bighas* how will the family of that man subsist? It is not an individual case. About 140 people been wronged in this manner. These names are given in the appeal to the hon. Prime Minister.

Shri Pataskar: I have also been given a copy.

Pandit Thakur Das Bhargava: I beg to submit that something should be done in regard to that case. It is a very hard case. There may be other cases like that, because that is not the only Act that the legislature has passed. Three Acts of that kind have been passed in various states and they are included in the Schedule. I want you to look into this matter in an objective way and see that the persons who secured judgment according to the law as it existed then are not deprived of that advantage and this law is not made retrospective.

I therefore make my earnest appeal to see that three things should be done in regard to clause 3. One is that the words "public purpose" must be put in there. Otherwise I will never feel satisfied. If you take away my entire property and if I think that it is going to be for a public purpose, I will feel satisfied provided the words are put in there. But at present the words are not there. In regard to the lands, you do not agree, to see that you acquire properties for a public purpose. In article 31(1) you have got these words but in clause 3, you have not included these words. So these words "public purpose" must be put in.

My second point is this. The hon. Prime Minister has stated at least 20 times that fair compensation will be given in every case. He is certainly anxious to do so. I may quote him if you want. The exact quotation occurs in page 1192 in the course of the first amendment to the Constitution. He said that in regard to individual cases they will give full compensation. He said so yesterday.

Every day he is saying it. I believe it is true. But you kindly put it in the Bill, namely, that on payment of fair compensation, fair in the opinion of the legislature, you will acquire those properties. Acquisition is in regard to the lands only. With regard to the management of factories, you may or may not do it. In regard to lands, I am very anxious that payment of compensation which is fair in the opinion of the legislature, must be mentioned and put down specifically.

The third point is that you will kindly indicate in the Schedule that so far as these three Acts are concerned, they will not have retrospective effect. These are the points that I want to submit.

Shri Pataskar: I have very carefully listened to the impassioned speech of my friend, Pandit Thakur Das Bhargava and I might tell him that those very people had also seen me, and there might be something wrong in a way of which I am not sure, but I can assure the House that that matter is being looked into by the Government and the Department concerned.

The only thing with which we are now concerned is, whether there is anything wrong in the Constitutional provision which we are making. It begins with these words:

> "Notwithstanding anything contained in article 13 no law provision for.....
>
> Shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31."

The whole intention of this provision is that we want to save these Acts from being declared void in courts of law because they are so necessary and important for the purpose of social work which we have undertaken. It is from that point of view that it is being done.

There was an impassioned plea made by some hon. Members that the words 'always to have been' should be deleted I know normally whenever we make a law or when we make a change in the existing law or in the Constitution, it applies to the future, but this is a matter in which it has been found necessary in order that what has been done by several Acts of other States even before this amendment is made, must also be saved in the public interests. It is from that point of view that it is done. I cannot really agree to have these words deleted, because it will open up a vast field for litigation and for all manner of things and might upset things which have been done in several States with respect of every matter which is mentioned here in clauses (a) to (e). We may not be exactly aware of what the consequences will be. As I said, the whole thing is that in this way, we cannot accept it. Whether it is a State legislature or the Parliament, whenever such a law is made, we say it shall not be struck on the ground that it is inconsistent with any of the provisions, etc. We expect that the future legislatures, whatever they have done, will take care of them. Supposing some legislature has failed to do so, it does not mean that there is nothing inconsistent. It is not as if we want them.

An argument has been advanced that there should be reliance only on what the Minister stated here. That argument has been advanced by several Members. When we are considering the question of amending the Constitution, you are not supposed to place reliance on the present Government of the day for what they are saying, on what they alone are saying. We say and lay down certain things with respect to a law which has to be passed either by the State or by the Parliament. You must rely on the people. We must trust the people who send the representatives to the State legislature or the Parliament. We must rely on those representatives, whether they are of the State Legislatures or of the Parlia-

[Shri Pataskar]

ment. That is the fundamental thing for considering the amendments which I proposed to clause 2 and the rest.

The whole point is that many of these apprehensions are based on the fact that there is a fear of what the representatives of the people may do and that what they may do would be something which is wrong and by that distrust, they want to lay down certain things in the Constitution which to my mind is not desirable.

Shri N. C. Chatterjee had put in two amendments. First, I take amendment No. 25. It reads thus:

> "Provided further that such law makes provision for such compensation as in the opinion of the authority making the law is necessary or adequate."

There is nothing to show that the legislature should give no compensation. It only contemplates that there may be cases like that. I am sure in all cases, particularly in the interests of the poor people, the relief would be adequate. We do not at least imagine a legislature which consists of the representatives of the people—the poor people are generally in a majority will do any such thing which is wrong. On the contrary, to look upon them with suspicion and trying to burden the State Legislature with a provision of this nature is hardly creating confidence in the people. The best way is, we must also trust the people who send their representatives to do the right thing. If we show a feeling of distrust and try to put in anything wrong, all manner of obstacles will arise, and this will not be a happy development so far as the democratic set-up of our country is concerned.

Ther is another amendment of Shri N. C. Chatterjee. This amendment runs thus:

> "Provided also that when such law is passed by the Legislature of a State, the same shall be submitted to each House of Parliament and the Resolution of each House embodying the views thereof shall be forwarded to the President for his consideration before he gives his assent to the same."

I cannot imagine something which can be worse than this for the purpose of trying to create a rift between the representatives of the State legislatures and the representatives of Parliament. The representatives in the State legislatures are responsible in certain matters in the same way as we are according to our Constitution for certain other matters provided for in the Constitution. This proviso means that we shall sit in judgment over what the State Legislatures do. This shows that we have a clear distrust, while the fact is that all the representatives—in the State Legislatures and in Parliament are elected on adult franchise. Is it proper to proceed on the basis that we are superior people and can be trusted to act rightly, while those elected on the same basis elsewhere cannot be so trusted? I think it is certainly wrong to go against the fundamental basis of our Constitution. We have been working on the basis of a Federal Constitution. Some people may doubt whether it is federal or not but that is a different matter. All the same, the State Legislatures are given certain functions. Those members are also elected on the same adult franchise as we are. So, to lay down in Parliament that whatever they stated shall be only followed provided that is subject to our scrutiny is to my mind not correct.

Shri N. C. Chatterjee: I have never said: "Subject to our will".

Shri Pataskar: "Shall be forwarded to the President for his consideration before he gives his assent to the same".

In respect of matters which are entirely within the power of the State legislatures, why should this Parliament have power?.....

Shri N. C. Chatterjee: Be logical. Then, why give the President power to give the assent, if you have so much confidence?

Shri Pataskar: Because the Constitution has put the President in a different capacity from Parliament. We all regard the President as one uniting authority whether it is Central or State legislature. There is nothing wrong in that. But to assume for this Parliament an air of superiority with regard to State legislatures is surely trying to defeat the purpose of democracy in this country. I am unable to accept any of these amendments.

There are some amendments which I had moved. One is No 112. It is only verbal. As hon. Members are aware in the Companies Bill, probably there is provision by ending "secretaries and treasurers" while here the wording used is "secretaries, treasurers". That is being rectified by putting the words "secretaries and treasurers".

The second amendment is No. 114. In Malabar and probably in Travancore-Cochin there are some estates or properties of the nature of *jenmam* and a reference was made to them by several hon. Members.

Shri A. M. Thomas (Ernakulam): The spelling of *jenmam* is *jenmam* and not *janmam*.

Shri Pataskar: I will get it corrected. It was thought better not to leave the matter again agitating in the courts of law as to whether they are estates or not. This amendment was supported by the Madras Government as well as practically by all the hon. Members whether they belonged to this party or that party from those States. It is proposed for that purpose. All the other amendments, as I said, I am unable to accept.

Mr. Chairman: Now, I will put the amendments to clause 2 to the vote of the House.

Shri R. D. Misra: I beg leave to withdraw my amendment No. 93.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

In page 1, *for* clause 2, *substitute*:

"2. *Transfer of article* 31 *to Part IV.*—Article 31 of the Constitution shall be omitted from Part III and inserted as article 51A under Part IV of the Constitution."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *for* clause 2, *substitute*:

"2. *Substitution of new article for article* 31.—For article 31 of the Constitution, the following article shall be substituted, namely:—

31. (1) Notwithstanding anything contained in articles 31A and 31B, the following kinds of properties shall not be compulsorily acquired or rights in such properties extinguished or modified in any manner whatsoever save for a public purpose and save by authority of the Land Acquisition Act, 1894 (I of 1894), or of any other law which provides for compensation on the basis of market value at the time of acquisition of the property or extinguishment or modification of rights calculated on the principles enumerated in section 23 of Act I of 1894 and payment of such compensation within one year of taking possession of the property acquired or rights extinguished or modified:—

(a) If the property is a residential house where the owner dwells or a shop where he personally works.

(b) If the property is land in the cultivation or possession of the owner or his tenant in cases where the owner owns less than 75 acres.

(c) If the property belongs to any person who at the time of

[Mr. Chairman]

acquisition owns less property than the minimum prescribed for the levy of Estate Duty by the provisions of Estate Duty Act, 1953 (34 of 1953).

(d) If the property belongs to any person whose total annual income does not exceed the minimum prescribed for exemption from income tax by the Income Tax Act, 1922 (XI of 1922).

(e) If the property belongs to a person who is a member of the Scheduled Caste or Scheduled Tribe.

(f) If the property belongs to an orphan or a widow or a disabled person.

(g) If the property belongs to retired military personnel.

Explanation.—Any substantial deprivation of the properties mentioned above shall be deemed to be acquisitioned for the purpose of compensation.

(2) No property mentioned in the preceding clause shall be requisitioned except for a public purpose and on payment of compensation which shall be governed by the provisions of Act I of 1894 or such other laws as embody the principles relating to compensation for such requisition enumerated in 'Act I of 1894'."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *for* clause 2, *substitute*:

"**2.** *Amendment of Article* 31.—In article 31 of the Constitution, for clauses (1), (2) and (3) the following clauses shall be substituted, namely:—

'(1) No person shall be deprived of his property except for a public purpose and save by the authority of law.

(2) No law providing for compulsory acquisition or requisition of property of a person shall have effect unless the proposals contained in it have been placed, prior to their enactment, for consideration by a Public Acquisition of Properties Commission, to be appointed in the manner hereinafter indicated, and unless a report containing the detailed opinion of the Commission upon those proposals have been circulated to the members of the Legislature concerned before the said proposals come up for their consideration in the shape of a Bill;

(3) Every proposal for a legal enactment authorising compulsory acquisition and requisition of the property of any person shall have to be placed, prior to such enactment, and every executive order for compulsory acquisition and requisition of the property of a person, under authority of any law which may be in force for the time being, shall have to be similarly placed, prior to the passing of such order, before a Public Acquisition of Properties Commission, to be appointed by the Government of India for considering and reporting on such proposals and orders for acquisition and requisition as would be made by that Government or by each of the Governments of the States of the Union, on proposals and orders made by that Government.

(3A) (a) Every Public Acquisition of Properties Commission shall be composed of three members, including a Chairman, selected on the following basis:—

(i) One of the members, having the qualifications of a High Court Judge, or having served as one, shall be appointed as the Chairman;

(ii) There shall be one member, who will be in the opinion of the appointing authority, a person versed in land and property laws, and

(iii) One member, who will be in the opinion of the appointing authority, a person possessing actual administrative experience in the matter of land and property laws.

(b) The Chairman and the members of a Public Acquisition of Properties Commission shall be appointed, in the case of the Union as a whole by the President, and in the case of a State by the Governor or Rajpramukh of the State as the case may be, for a term of six years at a stretch, and on such other terms and conditions as may be found necessary by the appointing authority concerned.

(c) The Public Acquisition of Properties Commission of the Union and the States shall consider and report to the Government and the Legislature concerned their views on every proposal or order referred to them under provisions of clauses (1), (2) and (3) of this article'."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, for clause 2, *substitute*:

"2. *Amendment of article* 31.—In article 31 of the Constitution, for clauses (1) and (2), the following clauses shall be substituted, namely:—

'(1) No person shall be deprived of his property except for a public purpose and save by the authority of law.

(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by the authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given.

(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, provided that the law does not substantially deprive any person of his property.

(2B) No law providing for deprivation or acquisition or requisition of any property shall be void on the ground of inadequacy of compensation provided by such law:

Provided that this clause shall not apply in the case of deprivation, acquisition or requisition of any of the following categories of properties:—

(a) Land which is cultivated by the owner or the right of a tenant who cultivates the land.

(b) Land or house of any person used by him for his occupation.

(c) Any dwelling house used or occupied by the owner for his residence or for the residence of the members of his family.

(d) Any land or house or property owned by any widow, orphan or disabled person where such land or house or property is the main source of income for the maintenance of such person.

(e) Land or house or property of any person whose total annual income or gains or profits from any source whatsoever do not exceed Rs. 4,200.

(f) Hut or structure built by a tenant or occupier with his own funds in a *bustee* or slum area' ".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, for clause 2, *substitute*:

"*Amendment of article* 31.—In article 31 of the Constitution,

[Mr. Chairman.]

clauses (2), (3), (4), (5) and (6) shall be omitted."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 5, *after* "Constitution *insert*:

"(a) for clause (1), the following clause shall be substituted, namely:—

'(1) The State shall not deprive any person of his property save by authority of law' and (b.)"

The motion was negatived.

Mr. Chairman: The question is:

In page 1, lines 7 and 8,

for "No property shall be compulsorily acquired or requisitioned" *substitute*:

"The State shall not compulsorily acquire or requisition any property."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 9,

for "provides" *substitute* "may provide".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 9,

for "compensation" *substitute* "fair compensation".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 10,

after "and" *insert* "when the compensation is so provided".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 11,

for "the compensation" *substitute* "such compensation".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 12,

for "the compensation" *substitute* "such compensation".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, lines 13 to 15, *omit*—

"and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, lines 13 to 15,

for "and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate." *substitute*:

"and such law shall not be questioned in any court."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 13,

after "court" *insert* "other than the Supreme Court".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *after* line 15, *add*:

"except in regard to properties mentioned below:—

(a) Residential house where the owner dwells or shop where he personally works.

(b) Land of any person who owns less than 75 acres.

(c) The property of any person who at the time of acquisition owns less property than the minimum prescribed for the levy of Estate Duty by the Estate Duty Act, 1953 (34 of 1953).

(d) The property of any person whose total annual income does not exceed the minimum prescribed for exemption from the levy of income tax by the Income Tax Act, 1922 (XI of 1922).

(e) The property of any member of the Scheduled Caste or Scheduled Tribe.

(f) The property of an orphan, widow or disabled person.

(g) The property of any retired military personnel."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *after* line 15, *add*:

"provided that the principles on which compensation is to be determined for the acquisition of any property or the extinguishment or modification of any rights in any property shall be specified by an Act of Parliament."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *after* line 15, *add*:

"*Explanation.* — 'Compensation' may be in cash or otherwise and may be the full market value or otherwise".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *after* line 15, *add*:

"Provided that when the property acquired is owned by a person whose total assets both movable and immovable do not exceed twenty-five thousand rupees, the compensation payable to him shall be fixed by law at the market value of the property acquired."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *after* line 15, *add*:

"Provided that the aggrieved party shall be entitled to appeal to a Tribunal appointed for this purpose against the decisions of an executive authority".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *omit* lines 16 to 21.

The motion was negatived.

Mr. Chairman: The question is:

In page 1, *for* lines 16 to 21, *substitute*:

"(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a Corporation owned or controlled by the State, but extinguishes, modifies or alters other rights of property in the manner specified in Article 31A, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 16,

for "(2A)" *substitute* "*Explanation*".

The motion was negatived.

Mr. Chairman: The question is:

In page 1,

(i) lines 17 and 18, *omit* "to the State or to a corporation owned or controlled by the State";

(ii) line 21, *for* "his property" *substitute* "any other rights over his property".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 18,

after "State" *insert* "for any public purpose".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 18,

after "by the State" *insert*:

"or to any statutory body, society or club."

The motion was negatived.

Mr. Chairman: The question is:

In page 1, lines 20 and 21,

for "nothwithstanding that it deprives any person of his property" *substitute* "provided substantial deprivation has not taken place".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 21,

add at the end "temporarily".

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 21, *add* at the end—

"Such law shall not, however, take away or abridge or be deemed to have taken away or abridged the rights of the person owning the property or rights thereon to seek such remedies as are open to him under the law."

The motion was negatived.

Mr. Chairman: The question is:

In page 1,

(i) line 5,

after "Constitution" *insert* "(a)"; and

(ii) *after* line 21, *add*—

"(b) in clause (3), after the words 'referred to in' the words 'clause (1) and' shall be inserted."

The motion was negatived.

Mr. Chairman: I will now put to the vote of the House the amendments relating to clause 3. I will first put the Government amendments.

The question is:

In page 2, line 17,

for "secretaries, treasurers" *substitute* "secretaries and treasurers".

The motion was adopted.

Shri U. M. Trivedi: May I make one submission? All of us here do not know what is *jenmam*.

Mr. Chairman: Order, order. This is not the stage at which a question like that can be put. At the same time, I may inform the hon. Member that Shri Damodara Menon spoke on this and he explained what it was.

The question is:

In page 2,

for lines 33 to 35, *substitute*:

"(b) in clause (2),

(i) in sub-clause (a), after the word 'grant', the words 'and in the States of Madras and Travancore-Cochin, any *janmam* right' shall be, and shall be deemed always to have been inserted; and

(ii) in sub-clause (b), after the word 'tenure-holder', the words '*raiyat, under-raiyat*' shall be, and shall be deemed always to have been inserted."

The motion was adopted.

Mr. Chairman: Now I will put the other amendments to the vote of the House.

The question is:

In page 2,

for clause 3, *substitute*:

"3. *Omission of article* 31A.—Article 31A of the Constitution shall be omitted."

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

for clause 3 *substitute*:

"3. *Substitution of new article for article* 31A.—For article 31A of the Constitution, the following article shall be substituted, namely:—

'31A. (i) Notwithstanding anything contained in article 31, the following kinds of properties shall

not be compulsorily acquired or rights in such properties extinquished or modified in any manner whatsoever save for a public purpose and save by authority of the Land Acquisition Act, 1894 (1 of 1894), or of any other law which provides for compensation on the basis of market value at the time of acquisition of the property or extinguishment or modification of rights calculated on the principles enumerated in section 23 of Act 1 of 1894 and payment of such compensation within one year of taking possession of the property acquired or rights extinguished or modified:—

(a) If the property is a residential house where the owner dwells or a shop where he personally works.

(b) If the property is land in the cultivation or possession of the owner or his tenant in cases where the owner owns less than 75 acres.

(c) If the property belongs to any person who at the time of acquisition owns less property than the minimum prescribed for the levy of Estate duty by the provisions of the Estate Duty Act, 1953, (34 of 1953).

(d) If the property belongs to any person whose total annual income does not exceed the minimum prescribed for exemption from income-tax by the Income Tax Act, 1922 (XI of 1922).

Explanation.—Any substantial deprivation of the properties mentioned above shall be deemed to be acquisitioned for the purpose of compensation.

(2) No property mentioned in the preceding clause shall be requisitioned except for a public purpose and on payment of compensation which shall be governed by the provisions of Act 1 of 1894 or such other laws as embody the principles relating to such compensation enumerated in Act 1 of 1894'."

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

for lines 2 to 31, *substitute*—

"(a) for clause (1), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

'(1) Notwithstanding anything contained in the foregoing provisions of this Part no law providing for—

(a) the acquisition by the State of any estate or of any rights contained therein or the extinguishment or modification of any such rights, or

(b) the fixation of a maximum ceiling on the extent of agricultural holdings and redistribution of any surplus land held in excess of such ceiling as may be fixed amongst landless labourers and poor peasants, or

(c) the fixation of a maximum ceiling on the holdings of any kind of property and any savings in the name of a single individual or on the percentage of income or financial benefit accruing to that individual from such property or savings, or

(d) the acquisitioning and requisitioning of any immovable property for the relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan or any other cause resulting from any act of the State, or

(e) the acquisition and requisition of any land, buildings or huts, declared in pursuance of law to constitute a vacant land, or waste land, or slum, in order to provide better and alternative accommodation for displaced persons or the dwellers of slums, or

(f) the taking over of the management of any property or

[Mr. Chairman]

business undertaking by the State, either in public interest or in order to secure proper management of that property or undertaking; or

(g) the transfer of any undertaking, wholly or in part from one firm, company or corporation to another, or the amalgamation and merger of two or more firms, companies and corporations either in public interest, or in order to secure the proper management of any of the undertakings concerned, or

(h) the extinguishment or modification of any of the rights of managing agents, secretaries, directors, managers, promoters, founders, shareholders of corporations, and those of the partners and owners of other business undertakings, or

(i) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning and exploiting any mineral resource or mineral oil or any other natural resource, or for the purpose of supplying power, light or water to the public, or the premature termination or cancellation of any such agreement, lease or license, or

(j) the extinguishment or modification of any rights incidental to the ownership, possession and enjoyment of any kind of property for a declared public purpose,

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by any provisions of this Part:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply unless such law, having been reserved for the consideration of the President, has received his assent'."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 2 and 3,

omit "and shall be deemed always to have been".

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

(i) line 4, *after* "article 13" *insert* "but subject to the provisions of article 31"; and

(ii) line 27, *omit* "or article 31".

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

(i) line 5, *after* "no law" *insert* "made by Parliament"; and

(ii) *omit* lines 28 to 31.

The motion was negatived.

Mr. Chairman: The question is.

In page 2,

(i) *omit* lines 6 to 8; *and*

(ii) *for* lines 33 to 35, *substitute*:

"(b) clause (2) shall be omitted."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 6,

after "estate" *insert* "or property".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 6,

after "estate" *insert* "or of any plantation".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 8,

after "any such rights", *insert*:

"except when such estate or any such rights belong to—

(a) any person who owns or is an occupancy tenant or possesses other rights in an area measuring less than 75 acres of land;

(b) any person who at the time of acquisition of the estate or extinguishment or modification or rights owns property less than the minimum prescribed for the levy of Estate duty by the provisions of the Estate Duty Act 1953 (34 of 1953); and

(c) any person whose total annual income does not exceed the minimum prescribed for exemption from incometax by the Income Tax Act, 1922 (XI of 1922);

(d) any person who is a member of the Scheduled Caste or Scheduled Tribe;

(e) any person who is an orphan, widow or disabled; and

(f) any person who is a retired military soldier, sailor, airman or officer;"

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 8,

after "such rights" *insert* "for a public purpose".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 8,

after "such rights" *insert* "on payment of such compensation as in the opinion of the State is adequate and proper".

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

after line 8, *insert*:

"(aa) the acquisition or requisitioning for a public purpose of any land, building or huts declared in pursuance of law to constitute a slum or of any vacant or waste land, provided that full market value as compensation for the loss suffered must be paid to the actual hut dweller, or".

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

after line 8, *insert*:

"(aa) the maximum extent of agricultural land that may be owned or occupied by any person and the disposal of any agricultural land held in excess of such maximum, whether by transfer to the State or otherwise, or

(aaa) the acquisition by the State of fallow land cultivable or uncultivable or the waste land or of any rights therein or the extinguishment or modification of any such rights, or".

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

for lines 9 to 15, *substitute*:

"(b) the taking over of the management of any property by the State for a period of not more than five years in order to secure the proper management of the property or the amalgamation of two or more companies or corporations in order to secure the proper management of any of the companies of corporations:

Provided that such taking over or amalgamation as the case may be, is in public interest and any profits or benefits accruing after deduction of proper expenses incurred for the benefit of persons beneficially interested in the property or the companies or corporations."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 10,

for "limited period" *substitute* "period not exceeding three years".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 10,

for "for a limited period" *substitute* "for a period of not more than five years".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 10,

for "limited period" *substitute* "period not exceeding five years".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 10,

after "a limited period" *insert* "not exceeding three years".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 10,

after "limited period" *insert*:

"not exceeding six years".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 10 and 11,

for "either in the public interest or" *substitute* "in public interest".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 10 and 11,

for "either in the public interest or" *substitute* "in public interest or in furtherance of any other public interest".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 11,

for "public interest" *substitute*:

"national or public interest".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 11 and 12,

after "proper management" *insert* "in case of mismanagement".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 12,

add at the end:

"to secure social justice or".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 14,

for "either in the public interest or" *substitute* "in public interest".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 14,

for "either in the public interest or" *substitute* "in public interest or in furtherance or any other public interest".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, *omit* lines 16 to 24.

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 19,

omit "or of any voting rights of shareholders thereof".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, *omit* lines 20 to 24.

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 21,

after "licence" *insert* "in favour of an alien person or corporation".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 23,

after "mineral oil," *insert*:

"or for the purpose of supplying power, light or water to the public,".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 23,

after "mineral oil" *insert* "or for the purpose of supplying power or light to the public".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 24,

add at the end "for a public purpose".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 27,

omit "article 14".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 27,

omit "article 14, article 19 or".

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

for lines 28 to 32, *substitute*:

"Provided that such law shall be made only by the Parliament; and"

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

after line 32, *insert*:

"Provided further that such law makes provision for such compensation as in the opinion of the authority making the law is necessary or adequate:

Provided also that when such law is passed by the legislature of a State, the same shall be submitted to each House of Parliament and the Resolution of each House embodying the views thereof shall be forwarded to the President for his consideration before he gives his assent to the same."

The motion was negatived.

Mr. Chairman: The question is:

In page 2,

after line 32, *insert*:

"(aa) in sub-clause (a) of clause (2), after the word '*muafi*' the word 'jenmam' shall be inserted."

The motion was negatived.

Mr. Chairman: Now I will put clause 2 to the vote of the House.

The question is:

"That clause 2 stand part of the Bill."

The Lok Sabha divided: Ayes, 297; Noes, 8.

Division No. 5.] **AYES** **[3-29 P.M.**

Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agrawal, Shri M.L.
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Amjad Ali, Shri
Anandchand, Shri
Ansari, Dr.
Asthana, Shri
Azad, Maulana
Azad, Shri Bhagwat Jha
Badan Singh, Ch.
Balasubramaniam, Shri
Balmiki, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Basu, Shri K.K.
Bhakt Darshan, Shri
Bhandari, Shri
Bhargava, Pandit M.B.
Bhatkar, Shri
Bheekha Bhai, Shri
Bhonsle, Shri J.K.
Bidari, Shri
Birbal Singh, Shri
Boroosh, Shri
Bose, Shri P.C.
Brajeshwar Prasad, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimala prasad
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G.L.
Chaudhuri, Shri R.K.
Chaudhuri, Shri T.K.
Chettiar, Shri T.S.A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Chowdary, Shri C.R.
Chowdhury, Shri M.B.
Dabhi, Shri
Damodaran, Shri N.P.
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.C.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shrri Ram Dhani
Das, Shri S.N.
Das, Shri Sarangadhar
Deb, Shri S.C.
Desai, Shri Khandubhai
Desai, Shri K.N.
Deshmukh, Dr. P.S.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U.S.
Dubey, Shri R.G.
Dutta, Shri S.K.
Dwivedi, Shri D.P.
Eacharan, Shri I
Gandhi, Shri Feroze
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghulam Qader, Shri
Giri, Shri V.V.
Gopalan, Shri A.K.
Gopi Ram, Shri
Gounder, Shri K.S.
Gorind Dds, Seth
Guha, Shri A.C.
Gupta, Shri Sadhan

Gurupadaswamy, Shri M.S.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnachariya
Joshi, Shri Liladhar
Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Kelappan, Shri
Keshavaiengar, Shri
Khan, Shri Sadath Ali
Khedkar, Shri G.B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Kottukappally, Shri
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Kureel, Shri B.N.
Lallanji, Shri
Laskar, Shri
Madiah Gowada, Shri
Mahodaya, Shri
Majhi, Shri R.C.
Majithia, Sardar
Malliah, Shri U.S.
Malviya, Shri B.N.
Malviya, Pandit C.N.
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Prof.
Matthen, Shri
Mehta, Shri Asoka
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Mishra, Shri Lokenath
Mishra, Shri N.P.
Mishra, Pandit Lingaraj
Misra, Shri B.N.
Misra, Shri R.D.
Misra, Shri S.P.
Missir, Shri V.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
Mudaliar, Shri C.R.
Mukerjee, Shri H.N.
Mukne, Shri Y.M.
Nair, Shri C.K.
Nanda, Shri
Narasimhan, Shri C.R.
Naskar, Shri P.S.
Natawadkar, Shri
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury, Shrimati Ila
Pannalal, Shri
Pant, Shri D.D.
Paragi Lal, Ch.
Parekh, Dr. J.N.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Patnaik, Shri U.C.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Shanker Lal, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri
Ramananda Tirtha, Swami
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S.V.
Ranbir Singh, Ch.
Rane, Shri
Rao, Shri Rajagopala
Raut, Shri Bhola
Reddi, Shri B.Y.
Reddi, Shri Eswara
Reddy, Shri R.N.
Reddy, Shri Viswanatha
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Saksena, Shri Mohanlal
Saksena, Shri S.L.
Samanta, Shri S.C.
Sanganna, Shri
Sankarapandian, Shri
Satish Chandra, Shri
Sen, Shri P.G.
Sen, Shrimati Sushama
Sewal, Shri A.R.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri R.C.
Shastri, Shri R.R.
Shivananjappa, Shri
Shobha Ram, Shri
Siddananjappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri Babunath
Singh, Shri H.P.
Singh, Shri L. Jogeswar
Singh, Shri R.N.
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri A.P.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Somana, Shri N.
Subrahmanyam, Shri T.
Sundaram, Dr. Lanka
Suresh Chandra, Dr.
Suriya Prashad, Shri
Swaminadhan, Shrimati Ammu
Tandon, Shri

Tek Chand, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tewari, Shri R.S.
Tewari, Pandit D.N.
Uikey, Shri
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S.D.
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Verma, Shri M.L.
Venkataraman, Shri
Verma, Shri Ramji
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wodeyar, Shri

NOES

Chatterjee, Shri N.C.
Deogam, Shri
Deshpande, Shri V.G.
Hansda, Shri Benjamin
Pandey, Dr. Natabar
Reddi, Shri Ramachandra
Shah, Shrimati Kamlendu Mati
Trivedi, Shri U.M.

The motion was adopted.

Mr. Chairman: The motion is carried by a majority of the total membership of the House, and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

Mr. Chairman: I shall now put clause 3, as amended, to the vote of the House.

The question is:

"That clause 3, as amended, stand part of the Bill."

The Lok Sabha divided: Ayes, 301; Noes, 9.

Division No. 6] AYES **[3-44 P.M.**

Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agrawal, Shri M.L.
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Amjad Ali, Shri
Ansari, Dr.
Asthana, Shri
Azad, Maulana
Azad, Shri Bhagwat Jha
Badan Singh, Ch.
Balakrishnan, Shri
Balasubramaniam, Shri
Balmiki, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Basu, Shri K.K.
Bhakt Darshan, Shri
Bhandari, Shri
Bhargava, Pandit M.
Bhatkar, Shri
Bhedkha Bhai, Shri
Bhonsle, Shri J. K.
Bidari, Shri
Birbal Singh, Shri
Boroosh, Shri
Bose, Shri, P. C.
Brajeshwar Prasad, Shri
Chakravarty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chandak, Shri
Chradrasekhar, Shrimati
Charak Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhari, Shri G.L.
Choudhury, Shri R.K.
Choudhuri, Shri T.K.
Chettiar, Shri T.S.A.
Chinaria, Shri
Choudhury, Shri M. Shaffee
Chowdary, Shri C.R.
Chowdhury, Shri N.B.
Dabhi, Shri
Damodaran, Shri N. P.
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.C.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri S.N.
Das, Shri Sarangadhar
Deb, Shri S.C.
Desai, Shri Khandubhai
Desai, Shri K.N.
Deshmukh, Dr. P.S.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digamber Singh, Shri
Dube, Shri Mulchand
Duba, Shri U.S.
Dubey, Shri R.G.
Dutta, Shri S.K.
Dwivedi Shri D.P.
Eacharan, Shri I
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghose, Shri S.M.
Ghulam Qadar, Shri
Giri, Shri V.V.
Gopalan, Shri A.K.
Gopi Ram, Shri
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M.S.
Hari Mohan Dr.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hemraj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M.D.

Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Kelappan, Shri
Khan, Shri Sadath Ali
Khedkar, Shri G.B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Kottukappally, Shri
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Krishnappa, Shri M.V.
Kureel, Shri B.N.
Lallanji, Shri
Laskar, Shri
Lingam, Shri N.M.
Madiah Gowda, Shri
Mahodaya, Shri
Majhi, Shri R.C.
Majithia, Sardar
Malliah, Shri U.S.
Malvia, Shri B.N.
Malviya, Pandit C.N.
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Prof.
Matthen, Shri
Mehta, Shri Asoka
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Mishra, Shri Lokenath
Mishra, Shri M.P.
Misra, Pandit Lingaraj
Misra, Shri B.N.
Misra, Shri R.D.
Misra, Shri S.P.
Missir, Shri V.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Motaeka, Shri
More, Shri K.L.
Mudaliar, Shri C.R.
Mukerjee, Shri H.N.
Mukne, Shri Y.M.
Naidu, Shri N.P.
Nair, Shri C.K.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri C.R.
Naskar, Shri P.S.
Natawadkar, Shri
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury, Shrimati Ila
Pannalal, Shri
Pant, Shri D.D.
Paragi Lal, Ch.
Parekh, Dr. J.N.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Patnaik, Shri U.C.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Shanker Lal, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S.V.
Ranbir Singh, Ch.
Rane, Shri
Rao, Shri Rajagopala
Raut, Shri Bhola
Reddi, Shri B.Y.
Reddi, Shri Eswara
Reddy, Shri R.N.
Reddy, Shri Viswanatha
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Saksena, Shri Mohanlal
Saksena, Shri S.L.
Samanta, Shri S.C.
Sanganna, Shri
Sankarapandian, Shri
Satish Chandra, Shri
Sen, Shri P.G.
Sen, Shrimati Sushama
Sewal, Shri A.R.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri K.R.
Sharma, Shri R.C.
Shastri, Shri R.R.
Shivananjappa, Shri
Shobha, Ram, Shri
Siddanangappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri Babunath
Singh, Shri H.P.
Singh, Shri L. Jogeswar
Singh, Shri R.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri A.P.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Somana, Shri N.
Somani, Shri G.D.
Subrahmanyam, Shri T.
Sundaram, Dr. Lanka
Suresh Chandra, Dr.
Suriya Prasad, Shri
Swaminadhan, Shrimati Ammu
Tandon, Shri
Tek Chand, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Shri R.S.
Tiwary, Pandit D.N.
Uikey, Shri
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S.D.
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Verma, Shri M.L.
Velayudhan, Shri
Venkataraman, Shri
Verma, Shri Ramji
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wodeyar, Shri

NOES

Chatterjee, Shri N.C.	Hansda, Shri Benjamin	Shah, Shrimati Kamlendu Mati
Deogam, Shri	Pande, Dr. Natabar	Trivedi, Shri U.M.
Deshpande, Shri V.G.	Reddi, Shri Ramachandra	Tulsidas, Shri

The motion was adopted.

Mr. Chairman: The motion is carried by a majority of the total membership of the House, and by a majority of not less than two-thirds of the Members present and voting.

Clause 3, as amended was added to the Bill.

Clause 4.—(*Substitution of new article for article 305.*)

Mr. Chairman: We shall now take up clause 4. Three amendments have already been placed before the House.

श्री आर० डी० मिश्र: मेरा अमेंडमेंट क्लाज ४ में यह है कि after "before" insert "or after". इन के बढ़ाने के लिये मैं इसलिये कहता हूं कि मेरी मंशा यह है कि यह दफा यहां बतलाती है कि कांस्टीट्यूशन की ३०१ और ३०३ दफा के मुताबिक जिस किसी मौजूदा कानून में कोई बाधा अटकती हो, वह बाधा न रहे और आर्टिकल १९(६) के अन्दर जो सब-क्लाज (२) है उस के मुताबिक गवर्नमेंट ने किसी तिजारत या व्यापार करने के लिये जो कानून अब तक बनाये हैं, इस अमेंडमेंट के पास होने तक जो भी कानून बन गये हैं, अगर कहीं पर वह कानून के खिलाफ समझे जायें, तो उन को कानून के मुताबिक समझा जाये और इसलिये मेरे कहने का मतलब यह है कि अगर अब तक के कानूनों में कोई बात ऐसी है कि जो ३०३ और ३०१ के मुताबिक मौजूदा कानूनों को नाजायज करार देने में बाधक होती हैं, तो आयन्दा को भी पार्लियामेंट को यह अख्तियार रहना चाहिये कि जो भी कानून आगे वह बनाये, कोई तिजारत या व्यापार अगर गवर्नमेंट करना चाहती है, उस के मुताल्लिक जो आयन्दा भी कानून बनाया जाये उस पर भी यह ३०१ और ३०३ धारायें बाधक न हों। अब तक जो कानून हैं वह तो आप जायज करार देते हैं इस तरमीम के जरिये से जो कि आप क्लाज ४ में पेश कर रहे हैं। मेरे कहने का मतलब यह है कि अब तक जो कानून बन चुके हैं वह सब जायज रहें और आयन्दा भी पार्लियामेंट जो कोई कानून बनाये और उस में यह बातें हों, तो वह भी जायज रहने चाहियें, इस गरज से मैं ने यह अपना अमेंडमेंट पेश किया है कि अनुच्छेद ३०१ और ३०३ भविष्य में भी इस संबंध में बाधक न रहें।

Shri Pataskar: I find that to this clause 4 there is one amendment, namely amendment No. 84. The object of that amendment appears to be to restore the position of the article as it now stands, because that article reads at present:

> "Nothing in articles 301 and 303 shall affect the provisions of any existing law except in so far as the President may by order otherwise provide."

The words 'except in so far as the President may by order otherwise provide' are not there in this clause, and the object of amendment No. 84 is to restore those words.

Those words were not put in this clause because up till now there has been no case in which the President has exercised that power. But all the same we have no objection to accept this amendment No. 84.

As for the other amendments, I can only say that they are not necessary.

Mr. Chairman: The question is:

In page 2, line 39,

after "any existing law" *insert* "except in so far as the President may by order otherwise direct".

The motion was adopted.

Mr. Chairman: The question is:

In page 2, line 40,

after "before" *insert* "or after".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, lines 2 and 3,

omit "or the Legislature of a State".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 4, as amended, stand part of the Bill".

The Lok Sabha divided: Ayes, 295; Noes, 8.

Division No. 7] AYES **[4 P.M.**

Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agrawal, Shri M.L.
Alagesan, Shri
Altekar, Shri
Amjad Ali, Shri
Ansari, Dr.
Asthana, Shri
Azad, Maulana
Azad, Shri Bhagwat Jha
Badan Singh, Ch.
Balakrishnan, Shri
Balasubramaniam, Shri
Balmiki, Shri
Banerjee, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Basu, Shri K.K.
Bhakt Darshan, Shri
Bhandari, Shri
Bhargava, Pandit M.B.
Bhatkar, Shri
Bheekha Bhai, Shri
Bhonsle, Shri J.K.
Bidari, Shri
Birbal Singh, Shri
Borooah, Shri
Bose, Shri P.C.
Brajeshwar Prasad, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee, Dr. Susiranjan
Chaturvedi, Shri
Chaudhuri, Shri R.K.
Chaudhuri, Shri T.K.
Chettiar, Shri T.S.A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Chowdary, Shri C.R.
Chowdhury, Shri N.B.
Dabhi, Shri
Damodaram, Shri N.P.
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.C.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri S.N.
Das, Shri Sarangadhar
Datar, Shri
Deb, Shri S.C.
Desai, Shri Khandubhai
Desai, Shri K.N.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Daulekar, Shri
Dhusiya, Shri
Dube, Shri Mulchand
Dube, Shri U.S.
Dutta, Shri S.K.
Dwivedi, Shri D.P.
Eacharan, Shri I.
Gandhi, Shri Feroze
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghose, Shri S.M.
Ghulam Qader, Shri
Giri, Shri V.V.
Gopalan, Shri A.K.
Gopi Ram, Shri
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M.S.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prasad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Kelappan, Shri
Keshavaiengar, Shri
Khan, Shri Sadath Ali
Khedkar, Shri G.B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Kottukapally, Shri
Kripalani, Acharya
Kripalani, Shrimati Suchets
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Krishnappa, Shri M.V.
Kureel, Shri B.N.

Lallanji, Shri
Laskar, Shri
Lingam Shri N.M.
Madaih Gowda, Shri
Mahodaya, Shri
Majhi, Shri R.C.
Majithia, Sardar
Malliah, Shri U.S.
Malvia, Shri B.N.
Malviya, Pandit C.N.
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Prof.
Mehta, Shri Asoka
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Mishra, Shri Lokenath
Mishra, Shri M.P.
Misra, Pandit Lingaraj
Misra, Shri B.N.
Misra, Shri R.D.
Misra, Shri S.P.
Missir, Shri V.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
Mudaliar, Shri C.R.
Mukerjee, Shri H.N.
Mukne, Shri Y.M.
Nair, Shri C.K.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri C.R.
Naskar, Shri P.S.
Natawadkar, Shri
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury, Shrimati Ila
Pannalal, Shri
Pant, Shri D.D.
Parekh, Dr. J.N.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Patnaik, Shri U.C.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch..
Raghunath Singh, Shri
Rahman, Shri M.H.
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Shanker Lal, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S.V.
Ranbir Singh, Ch.
Rane, Shri
Rao, Shri Rajagopala
Raut, Shri Bhola
Reddi, Shri B.Y.
Reddi, Shri Eswara
Reddy, Shri R.N.
Reddy, Shri Viswanantha
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Saksena, Shri Mohanlal
Saksena, Shri S.L.
Samanta, Shri S.C.
Sanganna, Shri
Sankarapandian, Shri
Satish Chandra, Shri
Sen, Shri P.G.
Sen, Shrimati Sushama
Sewal, Shri A.R.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri K.R.
Sharma, Shri R.C.
Shastri, Shri R.R.
Shivananjappa, Shri
Shobha Ram, Shri
Siddananjappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri Babunath
Singh, Shri H.P.
Singh, Shri L. Jogeswar
Singh, Shri R.N.
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri A.P.
Sinha, Shri Aniruddha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Snatak, Shri
Somana, Shri N.
Subrahmanyam, Shri T.
Sundaram, Dr. Lanka
Suresh Chandra, Dr.
Suriya Prashad, Shri
Swaminadhan, Shrimati Ammu
Tandon, Shri
Tek Chand, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Shri R.S.
Tiwary, Pandit D.N.
Uikey, Shri
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S.D.
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Verma, Shri M.L.
Venkataraman, Shri
Verma, Shri Ramji
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wodeyar, Shri

NOES

Deogam, Shri
Deshpande, Shri V.G.
Hansda, Shri Benjamin
Pandey, Dr. Natabar
Reddi, Shri Ramachandra
Shah, Shrimati Kamlendu Mati
Trivedi, Shri U.M.
Tulsidas, Shri

The motion was adopted.

Mr. Chairman: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 4, as amended, was added to the Bill.

Clause 5.—(*Amendment of the Ninth Schedule*)

Mr. Chairman: We shall take up clause 5 now. The amendments have already been placed before the House.

Shrimati Renu Chakravartty (Basirhat): Though we have not moved any amendment, I want to point out to the House the fears that have been expressed again and again that the way these powers may be used will actually lead to great hardship to the small man. Now, to illustrate this, I would like to draw the attention of the House to the Act of 1948 providing for the speedy acquisition of land. Sir, you know, when you were speaking on this in this House, you also mentioned that this is one of the Acts which have been working to the detriment of a large number of agriculturists, in this case, round-about the State of Delhi. Actually what happened is this. Many of the small agriculturists whose lands have been taken away in 1949, 1950, 1951 and 1953—as some of the hon. Members on the other side of the House stated when the time actually came for the settlement of terms of compensation came, they were even given at the rate of one anna and two annas per sq. yd. whilst in other cases Rs. 5 per sq. yd. was given. Not only that; the rate of compensation which is actually decreed in this law itself is that it shall be the price actually paid by the purchaser or the amount on payment of which he might have acquired the land in the decree of preemption. It says that it may be even September 1939, that would be the price that may be available for this land. Many of them have seen us and told us that it is impossible for them to get land to rehabilitate themselves at this price. It is not only in the State of Delhi this has been going on. By various Acts and by various executive orders, this has been going on in my State also and the local people are being turned out of their lands and turned into landless people under the plea of refugee rehabilitation. That is why I do want that the hon. Minister should give us a categorical assurance.....

Shri U. M. Trivedi: On a point of order, Sir. Can Members go on talking like this standing?

Mr. Chairman: Order, order.

Shrimati Renu Chakravartty: The hon. Minister when he brought this amendment before the House should have also brought in some amendments to the clauses of these Acts. We are being asked to validate, in the light of the experience which had been earned and in the light of the assurances that had been made on the floor of the House both by the Prime Minister and by his other Ministers who have spoken here that the small man would be protected and that he would be given full and adequate compensation. In that sense, I feel that even now the hon. Minister should make a statement and give us the assurance that at the earliest possible date this particular piece of legislation, which is really legislation passed by this House, would be amended and proper guarantees would be given to the small man and the smaller agriculturist, the tiller of the soil that he will not be made landless and thrown out without adequate compensation as is the case now.

Mr. Chairman: I would just like to know the reaction of the hon. Minister.

Shri Pataskar: I have also given notice of an amendment which is 116 and that is for the purpose of including in this list as item 20, the West Bengal Land Development and Planning Act, 1948 (West Bengal Act XXI of 1948) as amended by West Bengal Act XXIX of 1951. The reason is that this West Bengal Land Development and Planning Act was passed for a double purpose, both for rehabilitation as well as development.

Some legal difficulties have arisen with respect to the validity of that Act, and it has caused a good deal of discomfort, or rather I may say a good deal of apprehended loss to the State of West Bengal. West Bengal is an important State and if that Act has been declared *ultra vires*, it is very difficult for the Government to carry on. So, we have now thought it desirable that that Act should be included in the list of the Acts which are here.

Then, with respect to the point raised by the hon. lady Member, as I have stated sometime back when this question was raised that so far as the Delhi Resettlement of Displaced Persons (Land acquisition) Act is concerned, there have been representations made to Government by those persons that lot of inconvenience has been caused to many. I can assure the hon. Members of this House and also the hon. lady Member that the matter is under the consideration of Government and they will look into the matter and whatever is necessary for doing justice to these people and to remove whatever grievances there are will be done

Mr. Chairman: With regard to all the three Acts?

Shrimati Renu Chakravartty: Sir, I would like to have some clarification. Is it the intention of the hon. Minister to say that their grievances would be looked into or whether these Acts will be amended in future to see that the difficulties do not arise in future?

Shri Pataskar: As a matter of fact, this was a law passed by this Parliament because at that time the Delhi State was not in existence and subsequently it is being administered by the Delhi State. Whatever is necessary will be done by Government after making an enquiry and if necessary even by an amendment of the law.

Shri K. K. Basu: The difficulty is this. In other pieces of legislation also, other than those referred to in the schedule, these provisions are there. The hon. Minister has referred to the West Bengal Act. We know by the operation of the Act small proprietary owners are in jeopardy. I want to know whether you are also directing the State Governments that in the light of the discussions and the views expressed by practically all sections of the House they should see that the interests of small holders are not adversely affected and, if necessary, such laws should be amended in the light of the discussions and the opinions expressed here.

Shri Pataskar: I think so far as the West Bengal Act is concerned we are not aware that, as a matter of fact, there has been any sort of injustice done to small proprietors. However, if the matter comes to the notice of the Government they will do whatever is possible. So far as the Delhi law is concerned, the matter has been represented to us and I am sure that Government will take all necessary steps, after enquiry, for putting things right.

Mr. Chairman: May I just add that in all these three Acts the provision regarding compensation is almost the same. Therefore, it is necessary that this question is gone into and other similar Acts are also looked into.

Shri Pataskar: Whatever difficulties are there, I am sure the Government will sympathetically look into the matter and do all that they can. We cannot, in fact, remove the protection given to people. That is the only thing I am saying. If there is any piece of legislation in which the operation of this provision is found to cause hardship to small proprietors, then that matter will be looked into and Government will take the necessary steps.

Mr. Chairman: The question is:

In page 8,

after line 21, *add*:

"20. The West Bengal Land Development and Planning Act,

[Mr. Chairman]

1948 (West Bengal Act XXI of 1948) as amended by West Bengal Act XXIX of 1951."

The motion was adopted.

Mr. Chairman: The question is:

In page 3,

omit lines 7 to 12.

The motion was negatived.

Mr. Chairman: The question is:

In page 3,

omit lines 7 to 12.

The motion was negatived.

Mr. Chairman: The question is:

In page 3,

after line 21, *add*:

"(20) The Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) as amended by the Acts of 1951 and 1954 (Madras Acts XXXIII of 1951 and VII of 1954)."

The motion was negatived.

[MR. SPEAKER *in the Chair*]

Mr. Speaker: Now, I will put clause 5 to the vote of the House.

The question is:

"That Clause 5, as amended, stand part of the Bill."

The Lok Sabha divided: Ayes, 300; *Noes*. 7.

Division No. 8] AYES **[4-21 P.M.**

Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agrawal, Shri M.L.
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Amjad Ali, Shri
Ansari, Dr.
Asthana, Shri
Azad Maulana
Azad, Shri Bhagwat Jha
Badan Singh, Ch.
Balakrishnan, Shri
Balasubramaniam, Shri
Balmiki, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Basu, Shri K.K.
Bhakt Darshan, Shri
Bhanderi, Shri
Bhargava, Pandit M.B.
Bathar, Shri
Bhatt, Shri C.
Bheekha Bhai, Shri
Bhonsle, Shri J.K.
Bidari, Shri
Birbal Singh, Shri
Borooah, Shri
Brajeshwar Prasad, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimlaprosad
Chandak, Shri
Chandrasekher, Shrimati
Charak, Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chowdhary, Shri G.L.
Chaudhuri, Shri R.K.
Chaudhuri, Shri T.K.
Chettiar, Shri T.S.A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Chowdary, Shri C.R.
Chowdhury, Shri N.B.
Dabhi, Shri
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.C.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri S.N.
Das, Shri Sarangadhar
Deb, Shri S.C.
Desai, Shri Khandubhai
Desai, Shri K.N.
Deshmukh Dr. P.S.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dolakia Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar, Singh Shri
Dube, Shri Mulchand
Dube, Shri U.S.
Dutta, Shri S.K.
Dwivedi, Shri D.P.
Eacharan, Shri I.
Gandhi Shri Feroze
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghose, Shri S.M.
Ghulam Qader, Shri
Giri, Shri V.V.
Gopalan, Shri A.K.
Gopi Ram, Shri
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M.S.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hem Raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya

Joshi, Shri Liladhar
Joshi, Shri M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Kelappan, Shri
Keshavaiengar, Shri
Khan, Shri Sadath Ali
Khedkar, Shri G. B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Kottukappally, Shri
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lallanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Madiah Gowda, Shri
Mahodaya, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Prof.
Matthen, Shri
Mehta, Shri Asoka
Mehta, Shri Balwant Sinha
Mehta, Shri B. G.
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri Lokenath
Mishra, Shri M. P.
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S. P.
Missir, Shri V.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
Mudaliar, Shri C. R.
Mukerjee, Shri H. N.
Mukne, Shri Y. M.
Nair, Shri C. K.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri C. R.
Naskar, Shri P. S.
Natawadkar, Shri
Natesan, Shri
Nathwani, Shri N. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury Shrimati Ila
Pannalal, Shri
Pant, Shri D. D.
Paragi Lal, Ch.
Parekh, Dr. J. N.
Parikh, Shri S. G.
Parmar, Shri R. B.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Patnaik, Shri U. C.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Rahman, Shri M. H.
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Shanker Lal, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rane, Shri
Rao, Dr. Rama
Rao, Shri Raisgopala
Raut, Shri Bhola
Reddi, Shri B. Y.
Reddi, Shri Eswara
Reddy, Shri R. N.
Reddy, Shri Viswanatha
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narain Shri
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Saksena, Shri Mohan Lal
Saksena, Shri S. L.
Samanta, Shri S. C.
Sanganna, Shri
Sankarapandian, Shri
Satish Chandra, Shri
Sen, Shri P. G.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri R. C.
Shastri, Shri R. R.
Shivananjappa, Shri
Shobha Ram, Shri
Shukla, Pandit B.
Siddananjappa, Shri
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri Babunath
Singh Shri H. P.
Singh, Shri L. Jogeswar
Singh Shri R. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Anirudha
Sinha, Shri B. P.
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Somana, Shri N.
Subrahmanyam, Shri T.
Sundaram, Dr. Lanka
Suresh Chandra, Dr.
Suriya Prashad, Shri
Swaminadhan, Shrimati Ammu
Tandon, Shri
Tek Chand, Shri
Tewari, Sardar R. B. S.
Thimmaiah, Shri
Thomas, Shri A. M.
Tivary, Shri V. N.
Tiwari, Shri R. S.
Tiwari, Pandit D. N.
Uikey, Shri
Upadhayay, Shri Shiva Dayal
Upadhyaya, Shri S. D.
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Varma, Shri B. B.
Verma, Shri M. L.
Venkataraman, Shri
Verma, Shri Ramji
Vidyalankar, Shri A. N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wodeyar, Shri

NOES

Deogam, Shri	Pandey, Dr. Natabar	Tulsidas, Shri
Deshpande, Shri V. G.	Reddi, Shri Ramchandra	
Hansda, Shri Benjamin	Shah, Shrimati Kamlendu Mati	

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House, and by a majority of not less than two-thirds of the Members present and voting.

Clause 5, as amended, was added to the Bill.

Mr. Speaker: I shall put clause 1, the Title and the Enacting Formula to the vote of the House now.

The question is:

"That clause 1, the Title and the Enacting Formula stand part of the Bill."

Those in favour will please say 'Aye'.

Several Hon. Members: Aye.

Mr. Speaker: Those who are against will please say 'No'.

Shri V. G. Deshpande: No.

Mr. Speaker: Clause 1, the Title and the Enacting Formula stand part of the Bill.

I do not think we need have a division by going into the Lobbies. Obviously, this is only a formal proposition, but somebody may insist on strict adherence to the letter of the rule and not its spirit. I might tell hon. Members that this is practically a unanimous decision of the House, excepting for a feeble 'No' which I heard. Since the last division was taken, the doors are closed; nobody has gone out and nobody has come in. The result of the previous division, as hon. Members know, was 300 in favour and 7 against.

Shri K. K. Basu: May I seek one clarification? Does the same relationship of the 'Ayes' and 'Noes' as in the last division hold good for this also?

Mr. Speaker: It is a unanimous decision.

Shri K. K. Basu: Is not a division necessary? I am told that you had given a ruling previously that the names must be recorded. I am not opposing your ruling.

Mr. Speaker: If he wants to have the name of the Member who said a feeble 'No' recorded, I have no objection.

Shri K. K. Basu: About the names of the rest?

Mr. Speaker: It is not necessary. It is a unanimous decision.

The motion was adopted.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Shri Pataskar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill as amended, be passed."

Shri H. N. Mukerjee (Calcutta North-East): We are on the last lap of this legislation to amend the Constitution. As far as we are concerned, we have expressed our support to this Bill in so far as it is good. But I feel that even at this stage it is necessary for us to underline that it is not good enough yet. We feel that there was an opportunity for a basic change which the people required. Social revolution in Asia is on the order of the day, and no longer is there the old alternative that you have either to guide or to oppose the social revolution. The Government today cannot oppose this social revolution. It has to guide it, but it has to guide it correctly and it is exactly there that we have our grouse.

I am sorry the Prime Minister is not here. He chose to make a gibe at us by saying in his opening speech that as far as our Minute of Dissent

was concerned it was formal. It was nothing of the sort. It was very substantial. As far as our points are concerned, we mean them very seriously and we reiterate that there are certain categories of property that richly deserve taking over by society even without compensation if it is in the social interest. This amendment enables payment of compensation which may not be adequate according to the standards which our courts apply. That necessarily means importation, very rightfully, of the idea that the accepted rights of property which were championed by my friend, Shri Frank Anthony, for example, and which necessarily imply payment of full and adequate compensation, are no longer valid. If that is so, if in the interests of society as a whole, certain properties have to be taken over, we have certainly also to take into consideration the facts of social life—that there are certain varieties of property which can be taken over and which ought to be taken over without compensation.

Now, the Prime Minister said he is against this idea of any talk about the confiscation of, particularly, foreign capital. But he said also that in a particular case if a person misbehaves, that is a different matter. That is to say, if capital of any sort, foreign or native, misbehaves and if it becomes the interest of the people to take it over, you can take it over without compensation. I do not say that here and now we go forward to take over all kinds of property without compensation. I do not even say that here and now we take over at once without any serious discussion of the matter all foreign capital without compensation. But I very definitely say, and I wish Government to tell us something about it, that we should have provisions in our Constitution that if we find it necessary in the social interest we shall take over certain property interests in this country without compensation. As far as foreign capital, especially British capital, is concerned, its behaviour is a matter of history. We can go to Parliament Library and get a copy of a book like Janks' *Migration of British capital* and we shall see there how it is acknowledged that the British capital invested in India was in reality first raised in India from the plunder of the Indian people. It was then written down as debt from the Indian people to the British. The Congress once appointed a committee which reported that we should repudiate all this. On the basis of that debt, we have had to pay interest and dividend. I know my friend, the Commerce Minister has said from time to time how certain British interests make tons of money and how they misbehave: whether it is some plantation or coal concern or something else. I have mentioned in the House, for example, how the Dunlop Rubber Company was making fantastic profits and my friend, the Commerce Minister interrupted to say that Firestone was even worse because it was entirely foreign. It may be conceivable—to our way of thinking it is very much so, but it may not be so to the Congress way of thinking today—but conceivably in the interests of India there are certain property interests, particularly of foreign capitalists, which we ought to provide for taking over, when we think fit, without compensation. When we are changing the Constitution, we should have incorporated a provision to that effect.

The Prime Minister says over and over again that it is indecent and undignified. I do not understand this kind of talk at all. We are a country who have only recently become free. We are a country who try to think in terms not only of political freedom but also of economic freedom. And when a country becomes free after the kind of context which has preceded 1947, then certain basic necessities arise. The glow of freedom has to burn in Indian hearts and the Prime Minister has regretted so often that the glow of freedom does not burn in Indian hearts. He says that it might be embarrassing, it may be difficult, it may be dangerous, it may be im-

[Shri H. N. Mukerjee]

practical, in these circumstances to take a step like that. But I say: we are not like Iran. We are not in that position where foreign imperialist interests can intervene as they did in the case of Iran when the latter tried to take over the oil interest which was in foreign hands. I am sorry to have to speak about a neighbour country but a new regime was imposed upon Iran by these imperialist interest. We need have no fears, no qualms of that kind. If we really make up our mind about it, our people's hearts can be exhilarated with the idea that they were going to build a new kind of society. And then this kind of obstacle, this impracticability and all the embarrassments and difficulties in the mind of our Prime Minister—this kind of difficulty would vanish altogether.

I have heard also the Prime Minister speak about the Imperial Bank. I hope we shall have an opportunity before very long about the kind of compensation we are going to pay to shareholders of the Imperial Bank. But he said that we are paying 'pretty full' compensation in whatever form it may be. It is exactly for this reason that we wanted in our Minute of Dissent that only clause 31, subclause (1) should be retained so that whenever necessary in the interests of our people we can take over such properties without having the obligation to pay compensation. That is a very important matter and I wish Government makes its position very clear. I know, of course, Government has made its position clear but we want to reiterate our stand. This is something very reasonable. It is in keeping with and in conformity with the traditions of our pepole and that is why we want that in the Constitution there should be a provision for us to be able to take over foreign property if we wanted to do so.

For the small owner, a good deal of sympathy has been expressed; even Shri N. C. Chatterjee championed the cause of the small owners and I was very intrigued when he said yesterday rather plaintively that he had a very modest property in Calcutta—some small property in Calcutta—which he feared might be transferred to the President of "X" party and not to the State. I wish I could get a photographer to take a snapshot of his modest property and place it as an exhibit on the Table of this House. Anyhow, that is neither here nor there. It is a good thing that concern has been expressed about the interests of small owners, and in regard to that we want from the Government an even more categorical assurance than has been forthcoming so far. When my friend, Shrimati Renu Chakravartty, pointed out in regard to certain scheduled legislations that there were some very obviously deleterious provisions and without going into the details of those provisions we are validating the whole lot of them, this is surely worth considering. A situation like this has to be very, very seriously considered, comprehensively considered.

I shall refer to only one more point before I conclude and that is this. We have great respect for the Supreme Court. But we know at the same time that naturally it is for the legislature and not for the judiciary to decide what should be the specifications in a particular social and economic legislation. That is absolutely correct. But as long as this Government behaves in the way it is doing, as long as the apparatus on which it relies for the execution of its projects which might be in the offing continues, we cannot go ahead. In regard to that the Prime Minister made a statement yesterday which is very important but the trouble with the Prime Minister is that he goes on making statements in the House and outside which, it seems, the Government has no responsibility to implement in practice. For example, he said the other day about eviction being a crime and so on and so forth, but I fear that we shall have to wait till Doomsday before eviction really stops. He said

yesterday that we cannot solve our problem unless we activise the basis of Indian society which means millions and millions of villagers, millions of workers, small owners and unemployed people on the land. That is the basis of Indian society. If you merely grapple with it from the top, what happens? He said: nothing happens. He is very right. You have got to tackle the problem at the foundation. You have got to deal with the pepole and you cannot have this kind of legislation imposed from above and operate it by a bureaucracy which is trained in methods which we detest and which do not produce the results that we desire. It is necessary, therefore, to have a really objective apparatus for the association of the common people with the administration at every level.

The Finance Minister is here; the Planning Minister also may be somewhere in the precincts. We want to know and we want to find out what exactly is being done to activise our administration, to really inject into it the spirit of service to the people by associating the people at every level with the administration. If that association was there, then we could trust the administration. We cannot trust the executive when that association is not there at all and that is why we are not over-jubilant about this amendment. We welcome this amendment; we have supported this; we have readily trooped in and out of the Division Lobby and are ready to perform that exercise over and over again because we support it; we want it to be on the Statute Book as soon as ever it can; we have limited the number of speakers on our side also but we are not over-jubilant because this Government goes on behaving in a manner which increases our suspicions. And that is why I say even at this stage that though we welcome this amendment, it is still not good enough and we wish ways and means are found to make constitutional amendments that will be seriously undertaken and will be really good enough. This Government, when it talks of impracticality, has the pessimisms of the prosperous; it has not got that exhilaration that comes from real contact with the people. I annoy the Prime Minister—possibly I might be treading on his corn as he has just come back to the house—but I know that it is the pessimisms of the prosperous which have got a habitation in the mind of our administration and that is why when they act, they cannot act with that generosity and with that amplitude, and with that plentiude of spirit which alone can bring happiness to our people. All the same, we welcome this amendment before us, and as far as it is good, it has our support.

श्री बी० जी० देशपांडे : भारतीय संविधान के संशोधन के हेतु जो यह अमेंडमेंट बिल लाया गया है, मैं उस का प्रबल विरोध करने के लिये खड़ा हुआ हूं । यह विधेयक संयुक्त प्रवर समिति में संशोधित होने के पश्चात् जिस रूप में सदन के सामने आया है, उस का विरोध मैं इसलिये नहीं करता हूं कि कांग्रेस के पश्चात् कोई दूसरा बुरा दल आयेगा। परन्तु मेरा विश्वास आज की सरकार की सद्भावना पर नहीं है । I have no faith in their bonafides. मैं यह चीज यहां पर जोर से कहना चाहता हूं, भले ही सारा सदन मेरा विरोध क्यों न करे, परन्तु मैंने देखा है कि वक्ता के पीछे वक्ता जिन में कांग्रेस के मान्य सदस्य पंडित ठाकुर दास भार्गव भी हैं, जिन्होंने कि बताया है कि इस लेजिस्लेचर को छोटे लोगों के खिलाफ इस तरह का कानून पास नहीं करना चाहिये और छोटे लोगों के साथ वर्तमान रूप में इसे पास करने से अन्याय होगा, यह महान तत्व वह यहां पर लाये हैं और हमारे विधि मंत्री ने भी कहा है कि हम देख रहे हैं कि उन के साथ कुछ अन्याय हो रहा है। कम्युनिस्ट पार्टी के सदस्यों ने भी अभी बताया है कि पश्चिमी बंगाल के अन्दर इस प्रकार के संविधान और कानून बने हैं कि जिन के कारण छोटे लोगों के साथ

[श्री वी० जी० देशपांडे]

अन्याय हो रहा है और इसी कारण मैं समझता हूं कि हमारे प्रधान मंत्री जी ने आश्वासन दिया और जैसा कि बाकी मित्रों ने बताया है कि जो विदेशी पूंजी है उस को हाथ नहीं लगाया जायगा, इस देश के पूंजीपति वर्ग को छुआ नहीं जायेगा और इस कानून से अगर कोई मरने वाले हैं तो केवल देहातों में रहने वाले निम्न और मध्यम श्रेणी के लोग हैं, उन लोगों पर इस का आघात होने वाला है, जैसा हम ने अनुभव किया है। अब यह जो कहा जाता है कि हम इस के लिये आश्वासन देते हैं कि ऐसा कभी नहीं होगा और जहां अन्याय होगा, हम उस को देखेंगे और सदा न्याय करेंगे, लेकिन जब पूछा गया कि पश्चिमी बंगाल के बारे में आप यह अन्याय करने वाले हो, तो जवाब दिया गया कि पश्चिमी बंगाल के बाबत तो नहीं बता सकता, लेकिन इस की जांच करूंगा। उन की तरफ से यह नहीं कहा गया है कि छोटे लोगों को एडिक्वेट एंड फेयर कम्पेन्सेशन देने के लिये हम तैयार हैं और यह आश्वासन देने से भी हम लोगों का समाधान नहीं हो सकता है।

यहां पर सम्पत्ति के बारे में बड़ी बड़ी बातें कहीं गयीं और यह भी कहा गया कि उस के कारण आदमी पर बड़ा बोझ रहता है और उस के रहने से मनुष्य तेजी से और आजादी से आगे नहीं बढ़ पाता, सम्पत्ति के निकल जाने से उस के कंधे पर जो एक बोझ है वह हट जायेगा, मैं इस तरह की भ ा की भावना का बड़ा आदर करता हूं और निजी सम्पत्ति के विरोध में यहां पर जितनी बातें कही गयीं हैं, मुझे उन से कोई विरोध नहीं है और मैं उन आध्यात्मिक भावनाओं की कद्र करता हूं। जिन्होंने यह कहा है वह बड़े महान हैं, महात्मा और सन्त हैं, उन के विरोध में मुझे कुछ कहना नहीं है, परन्तु आज निम्न श्रेणि के लोग जो सोशलिस्टिक पैटर्न, समाजवादी ढंग, की समाज रचना ले कर हमारे पास आये हैं, I am opposed to this kind of one way traffic in Socialism. सोशलिज्म के दो अर्थ हैं। एक में आप जनता के हर एक वर्ग के लिये पूरी जिम्मेवारी लेते हैं उन की शिक्षा, खाने पीने, वस्त्र और मकान का प्रबन्ध करने की जिम्मेदारी लेते हैं और यह जिम्मेदारी लेने के पश्चात् समाज के हर एक व्यक्ति की सम्पत्ति या श्रम समाज के कार्य में आना चाहिये, यह तो मैं समाजवाद समझता हूं। लेकिन आप के समाजवाद में साम्यवादी ढंग के समाज की रचना हो रही है जिस में किसी की भी जमीन हम छीन सकते हैं कम से कम विधान से हम को इस का अधिकार मिलना चाहिये। आप समाजवाद की बात तो कर रहे हैं लेकिन यह क्या समाजवाद है जिस में किसी की भी जायदाद को हम छीन सकते हैं। मेरे समाजवाद का यह अर्थ नहीं है। समाजवाद आप को करना है तो उसी के साथ साथ मेरे पास छोटी जायदाद है मैं समझता हूं कि कल मैं बेकार होता हूं तो मैं अपने घर में रह सकूंगा और अपनी छोटी सी खेती पर काम कर सकूंगा और मैं अपने बाल बच्चों को घर में रख सकूंगा और उन को पाल सकूंगा, छोटी जायदाद मैं इसलिये रखता हूं। आज आप की सरकार ने दस साल के बाद कहा है कि हम बेकारी का निवारण कर रहे हैं परन्तु प्रत्यक्ष में हम देख रहे हैं कि बेकारी बढ़ रही है, आप के कागजों में क्या है, इस का मुझे ठीक तरीके से पता नहीं है।

अधिक समय न ले कर केवल एक मिनट में ही मैं अपनी बात समाप्त किये देता हूं। मुझे तो आप के आश्वासनों पर विश्वास नहीं है क्योंकि जो गारंटी संविधान में आज तक आप ने दी थी, आप उस से फिर रहे हैं। इंडियन पैनल कोड में चोरी एक अपराध है लेकिन कोई चोरी का अपराध करता है तो उस को मजिस्ट्रेट के सामने ले जा कर जेल में नहीं भेजेंगे,

यह इंडियन पैनल कोड में चोरी का अपराध मेरी समझ में नहीं आता। यह क्या मौलिक अधिकार है कि आप को सम्पत्ति के एवज में पूरी कीमत नहीं मिलेगी, यह प्रापर्टी का अधिकार है, इस प्रकार का अधिकार नहीं दिया जा सकता है और उस के लिये हम लोगों ने एक प्रार्थना की थी कि कम से कम जिनकी छोटी जायदाद है, ४२०० रुपये वार्षिक से कम जिनकी आमदनी है उन को तो कम से कम पूरी क्षति-पूर्ति की जाय, उन को तो फुल कम्पेन्सेशन दिया जाय, लेकिन इस को आप ने नहीं माना। मैं समझता हूं कि यह जो संविधान का संशोधन है, यह बाहर लोगों को दबाने के लिये एक यंत्र बन जायेगा और इसलिये मैं, अध्यक्ष महोदय, आप के द्वारा इस सदन से प्रार्थना करूंगा कि अब इस आखिरी समय में कम से कम अपना हाथ पीछे ले जायें और यह जो संशोधन विधेयक है, इसको सदन स्वीकार न करे।

Mr. Speaker: The time at our disposal will be short, and I think I shall now have to call upon the Prime Minister to reply. However, before doing that I may call one Member and I hope he will be very brief.

Shri S. L. Saksena: Today is a red letter day in the history of our Parliament. The amendment which we have passed is not an ordinary amendment. It enables us to do what China has done. I have seen how land has been redistributed in China, and how over three hundred millions of landless people have got lands distributed amongst them. In our country we have the movement of Shri Vinoba Bhave for distribution of land to the landless people. We in our country have still got persons who own tens of thousands of acres of land even after Zamindari abolition. This state of affairs should end. I want that the first use of this amendment should be for an equitable redistribution of land, so that the movement which has been started by Shri Vinoba Bhave and which has created the necessary psychological revolution in people's minds may now be completed with Government help. It should be remembered that redistribution of land on an equitable basis is the pivot round which all agricultural and rural development must Centre. All our community projects and village uplift schemes have the soul missing in them and shall remain lifeless so long as every landless agricultural labourer does not get his plot of land. I hope there will now be no difficulty about compensation having to be paid in this connection. I therefore hope that we will be able to march a long way towards progress with the help of this amendment. I want to say one thing more. The amendments tabled by our friends about possible injustice to poor peasants and the ways of bureaucracy are not without merit. And I would suggest, in view of the bureaucracy and in view of the ways to which it is accustomed, that Parliament should pass a Bill in which we may incorporate all those suggestions which are contained in the amendments which have been tabled. The Constitution has now given full power to Government to go at full speed in executing bold development plans, but in order to put a curb on the actions of bureaucracy we should have a Bill of Parliament which should lay down that property of small pepole will not be taken over and they will be fully compensated and that other things will be taken into consideration before this Act is put into effect. If that is done I hope that many of the grievances which have been voiced by the Opposition will have been taken into consideration and the bureaucracy will not be able to behave in the manner which is generally customary for it. That will be a great safeguard and I hope that this will be done very soon.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): After these two days' discussion of this Bill I hardly think it is

[Shri Jawaharlal Nehru]

necessary for me to say much, because this House has been generous in the consideration of this Bill, very generous, and only a very few voices have been raised in opposition to it or any of its clauses.

Yesterday I mentioned, rather casually, that when this Bill was introduced by me and voting took place there was a very great majority in favour of its consideration and not more than eight persons voted against it. In the other House, when it went up at our instance asking for a Joint Committee, no one voted against it. An hon. Member, Mr. Chatterjee, criticised my saying it and referred to what he calls, I believe, the brute majority in this House. Now, how far it is ever right or proper to refer to a majority in this way, an elected majority, I leave it to the House to determine. What is the consequence of the majority not having its way? A minority should have its way. I do not know if that is the hon. Member's conception of democracy. But when I referred to this I was not referring to the brute majority of a party, my party or any other. It was obvious that in so far as this Bill was concerned not one party but, barring a few individuals, all parties in this House voted for it. That was my intention in referring to the voting on the last occasion. And that has been confirmed in the consideration of the various clauses and the voting on them. As the House knows, the voting has been roughly three hundred to eight—sometimes seven, sometimes nine.

Shri V. G. Deshpande: Sometimes sixteen also.

Shri Jawaharlal Nehru: And about 298 or three hundred on the other side. That itself is adequate proof of the fact, and so far as this House is concerned it is as near unanimity as one is likely to get in a measure of such importance and which has certain features which may be considered controversial. Because of that, hardly any argument is necessary. But, some remarks were made yesterday and some today, about which I should like to say something.

5 P.M.

Shri Jaipal Singh spoke eloquently about the Damodar Valley and about Adivasis, questions of interest and importance, but having nothing to do with this Bill. In the case of Damodar Valley, his point was that the people have been given compensation in cash, not in land. I am not saying anything about it. So far as I am concerned, I should very much like to give land. The point was not inadequate compensation, but whether compensation was given. It has been adequate now. I hope that if it is possible, they will be given land. He referred to Adivasis and said that land is sometimes taken away from them. I do not exactly know what he had in mind. But, the Constitution itself provides, I believe certainly in regard to the North Eastern areas, for preventing the alienation of lands belonging to these tribal pepole. I am personally of opinion that every protection should be given to the tribal people and their land.

Much has been made about the small owners or the small holders, and their being dispossessed without adequate compensation being given. Obviously, the whole object of this particular amendment is not to affect them at all. Whether it has done or not is another matter which we can consider. The object of this Bill, in fact, is not to give, in the normal cases, any illusory or unjust compensation. There may be such cases, I can concede, when dealing with large schemes where compensation may be calculated in a special way. But, even there, it won't be, I hope, unjust. However that may be, to refer to the small holders in this connection, I do submit, is entirely unjustified. It is true that cases have been mentioned here, where there has been injustice. My primary reaction to the cases mentioned in regard to Delhi is that there

does appear to have been injustice which should be rectified in the best way possible. We certainly are going into it. I cannot say in what manner or to what extent it would be possible. That depends on a careful consideration of the problem. In Bengal or anywhere else, we shall certainly consider that matter and move the State Government to take action where injustice has been done. These are important matters by themselves; but they are not really relevant in the consideration of this major measure.

General objections were raised or criticisms made, apart from the one made by the hon. Member who spoke last, by Shri V. G. Deshpande, who opposed this Bill tooth and nail and who perhaps hardly requires any reply from me because our views on men and things are very far apart. I can only sympathise with him for the very little support he has here or in the country.

On the other side, Shri H. N. Mukerjee, while supporting this Bill, nevertheless wanted to point out that this Government suffers from what he called the pessimism of the prosperous—a happy or unhappy phrase which I have never heard before. The prosperous are not pessimistic. The prosperous are usually the reverse of pessimistic. Why should they be pessimistic if they are prosperous? It is they who lack prosperity who may be said to be pessimistic, frustrated, and all that kind of thing. If he had said, not pessimism of the prosperous but, if you like to say so, passivity or lack of care of the prosperous—they do not care—that might have some meaning. However, he raised some basic considerations as to the direction of progress, of the pace of progress and the manner of progress. These are basic ones, of course, which we have to bear in mind in whatever law we make or whatever plan we may make. These are important. It will be for the Parliament ultimately, of course, to decide all these things, the manner, method and pace of progress. All of us, or very nearly all of us, want as fast a pace or rate of progress in this country, economic and other, as we can have. But, there are certain inherent limitations in a country as in an individual. It does not matter whether you have any kind of revolution, violent or non-violent. There are inherent limitations which one cannot get over, which take a little time to get over. No country, to my knowledge,—unless the circumstances force it,—and no people indulge in just what might be called upsetting everything in the vague hope of achieving something. That kind of thing is only done when it becomes inevitable or unavoidable; circumstances do it—you do not plan it—specially when there is no other hope of progress left.

There is a certain advantage as well as a certain disadvantage in continuity, in proceeding on the basis of where you are. There are certain disadvantages, one might say, because it tends to pull you back a little, naturally, because you do not wish to break that continuity. On the other hand, there is a great advantage, provided it does not stop your progress, provided it does not come in the way. The advantage is obvious because any active break leads not to progress immediately. It may give you hope of future progress. For the moment, it is a going back for a considerable time, may be for a generation or whatever it might be. So, these vague talks of sudden jumps are not if I may say so with all respect, from mature thinking, having regard either to history or even to the history of revolutions. Unless, I say, circumstances overwhelm you, you think in terms of progress on the basis of a certain continuity, certain links. A break of that link, if it comes, one faces. But, one does not deliberately break it.

We have in India achieved Independence by a process of continuity. I am free to confess that that proces of continuity has brought a numbe. of disadvantages in its train. It has But, I am quite convinced that the advantages are far greater than the

[Shri Jawaharlal Nehru]

disadvantages that it has brought. We gradually get rid of these disadvantages, and if I may say so, this amendment is a small measure to get rid of certain disadvantages of continuity in a certain phase, whether it is continunity in regard to the legislature or the actions that they take and how they can by their interpretation, perhaps come in the way of social legislation or whatever it may be. That is the deliberate policy which has been our policy ever since we came in. We may make a mistake; that is another matter. But, we have to be clear. Are we progressing—however fast we may go,—making it a continuous process or a process that breaks and jumps and spurts?

My first submission about jumps and spurts is,—I am not talking about individuals—normally speaking, people do not actually plan for breaks. Hon. Members opposite might think of them. I submit even today, as far as I can make out from the very logic that they try to follow, that it is not a reasonable proposition, even from them. At any time, much more so at the present time, it is a very wrong thing to do, looking at the world context and everything else. As it happens, we have a fair field to advance. As it happens, what comes in our way today? Minor things may come in our way. We may talk about bureaucracy and this and that, minor things which are now improving. I do not like many of the things that bureaucracy does. But I have not a shadow of doubt that the fact that we have a trained and well-trained service has been of enormous advantage to India in the last seven years. I know that when I see other countries roundabout Asia, who have achieved their freedom, and who have not had that advantage, and who have suffered because of the lack of that advantage. So, we must see this broad picture. It is not a good thing; I do not want to compare my country with other countries. But nevertheless I would invite hon. Members to compare what has happened in this country during the last seven or eight years with what has happened or not happened in other countries roundabout, countries which are comparable to India. I cannot compare at the moment with countries like the United States of America, or the Soviet Union or England or France, because they stand on a separate category. You cannot compare them with India, but you can compare other countries. And I think that if you do that objectively, you will come to the conclusion that by and large what has been done in India is very very notable and creditable, in spite of all the mistakes which we have made; and we have made many mistakes; every Government makes a mistake, and certainly our Government has not been free from them. Now, I am not talking in terms of my Government or any other, but rather of the main approach to these problems.

Here we are on the eve, I hope, of a bigger advance, a more rapid advance; after having stabilised our position politically, economically, having developed a strong foundation and a strong enough foundation and base, we now go ahead with greater faith, courage and pace. How far we go ahead is not the point to discuss now, but we will no doubt discuss it some time or other. And talking in terms of not going ahead, as my hon. friend Shri V. G. Deshpande might do—and if he does not do it, he thinks that way because his is a static, or not static, if I may say so.....

Shri V. G. Deshpande: Dynamic.

Shri Jawaharlal Nehru:...it is an outlook of looking backwards—obviously that can be ruled out as of no consequence in the present day world. There are other friends who think that we ought to go ahead faster. In theory, nobody can disagree with that. We should go as fast as we can. But it is no good at all using a slogan. Sit down and work it out and say this and that can be done and should be done, these are the consequences of this and that.

Yesterday I said something about nationalisation. I am not against nationalisation. But to make that as if that was the emblem of progress, an emblem of increasing our wealth and production and equalisation has no meaning in it. One should consider each case separately.

Now it may interest hon. Members, if I read out what the Burma Constitution is. The interesting part of it, if I may say in confidence, is that this constitutional draft was drafted by one of the principal draftsmen of our Constitution, that is, Shri B. N. Rau. In this matter it is said there:

> "1. Subject to the provisions of this section, the State guarantees the right of private property and of private initiative in the economic sphere.
>
> 2. No person shall be permitted to use the right of private property to the detriment of the general public."

This is a broad generalisation.

> "3. The private capitalist organisations such as cartels, syndicates and trusts formed for the purpose of dictating prices or for monopolising the market or otherwise calculated to injure the interests of the national economy are forbidden.
>
> Private property may be limited or expropriated if the public interest so requires but only in accordance with law which shall prescribe in which cases and to what extent the owner shall be compensated."

More or less this last clause is in line with what we said, and what we are saying much more clearly now. Now this is the normal approach I want, not the approach of my hon. friend Shri V. G. Deshpande which means no approach at all, sit or lie down and do not get up, or the other approach of dancing about in a frenzy till you faint. That surely is not the way to facilitate the march of a nation.

We are not considering the other problems. This is a relatively small matter in this large sphere to which I have referred. But small as it is, it is an important matter, as every amendment to the Constitution must be considered important. I agree that we must not deal lightly with the Constitution. But having said so, I also would like to say that we must deal with the Constitution when necessity arises, when it is clear that there are rules in the Constitution itself to change it; and so it is the Constitution itself that tells us to change it when we want to do it, and it has laid down rules for that. So, what is the good of saying, you must not touch the Constitution?

Therefore I am submitting that so far as this motion is concerned I think it has been amply shown that this little amendment that we have proposed is justified. Also, there is nothing in it which will frighten pepole; we do not want to; it is not the case. I am afraid hon. Members opposite might think I am afraid of angering somebody or irritating somebody who may be rich or who may have vested interests. Well, if they think so, I cannot help it. But I have no sense of frustration in regard to either foreign capital or Indian capital. I think this Government or any Government that functions here is adequate enough to deal with these matters as they are dealing with them.

But I just could not understand what the hon. Member Shri H. N. Mukerjee has got in his head, like some "King Charles's head" business about foreign capital. I just do not understand it. What exactly does he expect us to do? What exactly does he expect, I say, any country to do in the world in these circumstances? I say, and I say very definitely, that in these circumstances, no country in the wide world, communist, non-communist, socialist, non-socialist, would proceed in the manner that he apparently suggests about expropriating foreign capital—I believe that is his phrase. I just do not understand it. Countries do not behave that way.

Shri K. K. Basu: If the situation so demands, if the community so wishes.

Shri M. P. Mishra (Monghyr North-West): Now the Russian factories come in.

Shri Jawaharlal Nehru: I put it to the hon. Member that I should like him to tell me of any country, whatever its social structure might be,—I am leaving out that particular period when there is an uproar and civil war and the like going on, when, of course, no law holds, when large numbers of pepole run away, they leave their properties, they are seized, other thing happen, all kinds of things happen, there is no law, and it is the might of the strongest that prevails there—but leaving that particular period out I do submit that countries do not behave this way, whatever their social structure or policy. In regard to foreign capital, foreign interests, you control them; of course, you control them, you deal with them, but you do not expropriate them. These are things which in the ultimate analysis are very bad for a country. After all, when you judge of it, you can judge of it in two ways. Anyway, I may be acquiring some money or acquiring some property without paying for it. That is one thing. Or you can judge of it from the point of view of acquiring something that is strategic to your Plan, something that comes in the way. I said yesterday that so far as anything is concerned, which from the point of view of our larger planning we think should be State-owned, will be and should be State-owned, it does not matter whether it is foreign or Indian or whatever it may be, because that becomes an essential part of our Plan to hold that strategic point. That is a different matter. But apart from that, just to push out this person and that person does not bring about socialism. It does not bring about any particular thing, and so far as foreign capital is concerned, it merely brings about a hostile world, a hostile opinion; your credit goes. India's credit is much too valuable a thing to be bartered about for a few crores or whatever sum of money that you get.

Therefore, I submit that this amendment fulfills all the normal qualifications that you might apply. It removes certain difficulties in our way; it makes it easier for us in future to proceed with our social plans, and at the same time, it does not injure really any interest; and certainly it does not injure the interest of the small producer or small owner. I trust, therefore, that after all this debate, even those eight or nine Members who have raised discordant voices will fall in line and pass this amendment unanimously. I have little hope of my hon. friend, Shri V. G. Deshpande, doing so—so, I am prepared to leave him in solitary glory—but I hope others will certainly do so.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The Lok Sabha divided: Ayes, 302; *Noes,* 5.

Division No. 9] AYES **[5-21 p.m.**

Abdus Sattar, Shri	Azad, Shri Bhagwat Jha	Bhargava, Pandit M.B.
Achal Singh, Seth	Badan Singh, Ch.	Bhargava, Pandit Thakur Dass
Achint Ram, Lala	Balakrishnan, Shri	Bhatkar, Shri
Achuthan, Shri	Balasubramaniam, Shri	Bhatt, Shri C.
Agrawal, Shri M. L.	Balmiki, Shri	Bheekha, Bhai, Shri
Akarpuri, Sardar	Bansal, Shri	Bhonsle, Shri J.K.
Alagesan, Shri	Barman, Shri	Bidari, Shri
Altekar, Shri	Barupal, Shri P.L.	Birbal Singh, Shri
Alva, Shri Joachim	Basappa, Shri	Borooah, Shri
Amjad Ali, Shri	Basu, Shri K.K.	Bose, Shri P.C.
Ansari, Dr.	Bhakt Darshan, Shri	Brajeshwar Prasad, Shri
Asthana, Shri	Bhandari, Shri	Chakravarty, Shrimati Renu

Chaliha, Shri Bimalaprasad
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjea, Shri Tushar
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Choudhary, Shri G.L.
Choudhuri, Shri R.K.
Choudhuri, Shri T.K.
Chettiar, Shri T.S.A.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Choudary, Shri C.R.
Chowdhury, Shri N.B.
Dabhi, Shri
Damodaran, Shri N.P.
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.C.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri S.N.
Das, Shri Sarangadhar
Datar, Shri
Deb, Shri S.C.
Desai, Shri Khandubhai
Desai, Shri K.N.
Deshmukh, Dr. P.S.
Deshmukh, Shri C.D.
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U.S.
Dubey, Shri R.G.
Dutta, Shri S.K.
Dwivedi, Shri D.P.
Eacharan, Shri I.
Gandhi, Shri Feroze
Ganpati Ram, Shri
Gautam, Shri C.D.
Ghose, Shri S.M.
Ghulam Qader, Shri
Giri, Shri V.V.
Gopalan, Shri A.K.
Gopi Ram, Shri
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M.S.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem raj, Shri
Hembrom, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jajware, Shri
Jangde, Shri
Jatav-vir Dr.
Jayshri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prasad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kelappan, Shri
Keshavaiengar, Shri
Khan, Shri Sadath Ali
Khedkar, Shri G.B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirolikar, Shri
Kottukappally, Shri
Kripalani, Acharya
Kripalani, Shrimati Sucheta
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Krishnappa, Shri M.V.
Kureel, Shri B.N.
Lallanji, Shri
Lashkar, Shri
Lingam, Shri N. M.
Madiah Gowda, Shri
Mahodaya, Shri
Majhi, Shri R.C.
Majithia, Sardar
Malliah, Shri U.S.
Malvia, Shri B.N.
Malviya, Pandit C.N.
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Prof.
Matthen, Shri
Mehta, Shri Asoka
Mehta, Shri Balwant Sinha
Mehta, Shri B.G.
Menon, Shri Damodara
Mishra, Shri Bibhuti
Mishra, Shri Lokenath
Mishra, Shri M.P.
Mishra, Pandit Lingaraj
Mishra, Shri B.N.
Mishra, Shri R.D.
Mishra, Shri S.P.
Missir, Shri V.
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
Mudaliar, Shri C.R.
Mukerjee, Shri H.N.
Mukne, Shri Y.M.
Naidu, Shri N.R.
Nair, Shri C.K.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri
Naskar, Shri P.S.
Natawadkar, Shri
Natesan, Shri
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury, Shrimati Ila
Pannalal, Shri
Pant, Shri D.D.
Parekh, Dr. J.N.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Patnaik, Shri U.C.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M.H.
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Shanker Lal, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaschaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S.V.
Ranbir Singh, Ch.

Rane, Shri
Rao, Dr. Rama
Rao, Shri Rajagopala
Raut, Shri Bhola
Reddi, Shri B.Y.
Reddi, Shri Eswara
Reddi, Shri R.N.
Reddi, Shri Viswanatha
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Saksena, Shri Mohanlal
Saksena, Shri S.L.
Smanta, Shri S.C.
Sanganna, Shri
Sankarapandian, Shri
Satish Chandra, Shri
Sen, Shri P.G.
Sen, Shrimati Susharma
Sewal, Shri A.R.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri R.C.
Shastri, Shri R.R.
Shivananjappa, Shri
Shobha Ram, Shri
Shukla Pandit B.
Siddananjappa, Shri
Singh, Shri D.N.
Singh Shri D.P.
Singh, Shri Babunath
Singh, Shri H.P.
Singh, Shri L. Jogeswar
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri A.P.
Sinha, Shri Anirudha
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Somana, Shri N.
Subrahamahyam, Shri T.
Sundarm Dr. Lanka
Suresh Chandra Dr.
Suriya Prashad, Shri
Swaminadhan Shrimati Ammu
Tek Chand, Shri
Tewari Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Shri R.S.
Tiwari, Pandit D.N.
Trivedi, Shri U.M.
Uikey, Shri
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S.D.
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Verma, Shri M.L.
Veeraswamy, Shri
Venkataraman, Shri
Verma, Shri Ramji
Vidyalankar, Shri A.N.
Vishwanath Prasad, Shri
Vyas, Shri Radhela.
Wodeyar, Shri

NOES

Deshpande, Shri V.G.
Hansda, Shri Benjamin
Reddi Shri Ramachandra
Shah, Shrimati Kamlendu Mati
Tulsidas, Shri

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. So, the Bill, as amended, is passed.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 14th April, 1955.